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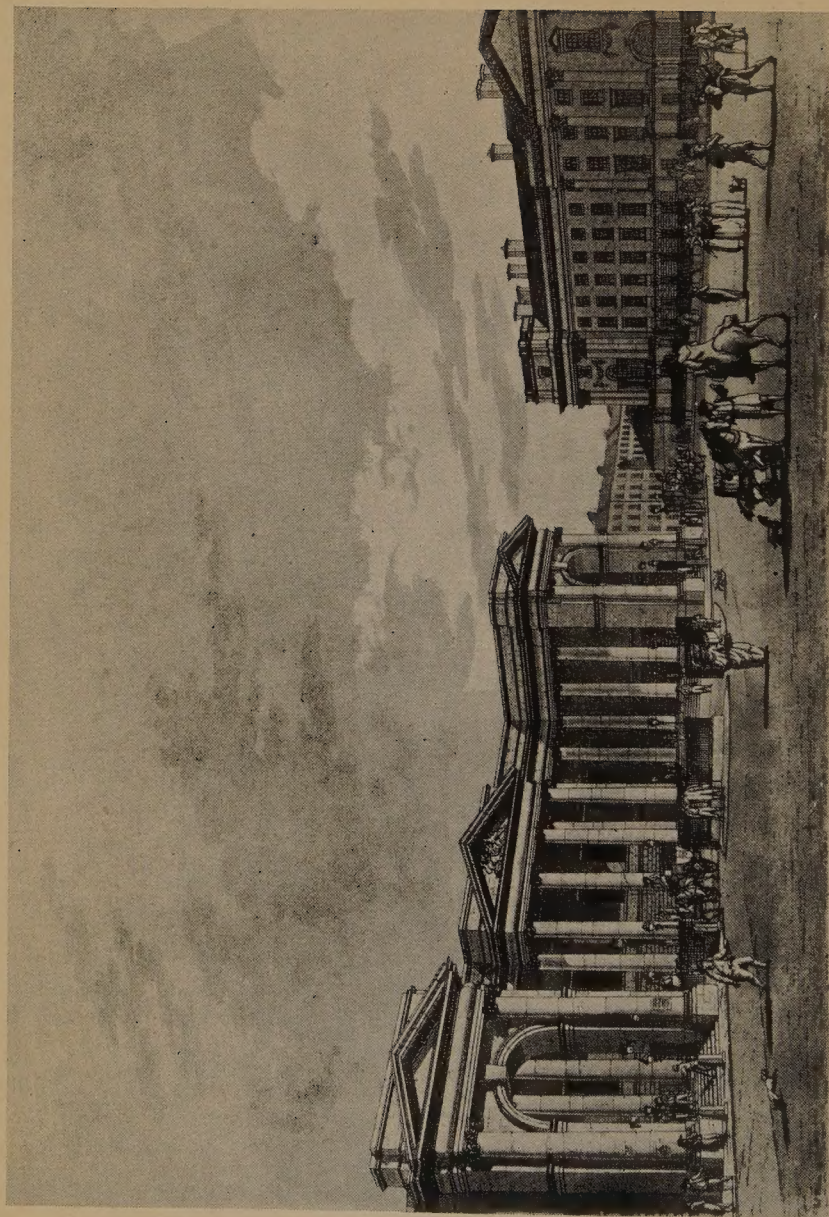
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THE JUDGES IN IRELAND, 1221-1921

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THE PARLIAMENT HOUSE AND TRINITY COLLEGE.

1793.

From James Malton's View of Dublin

Frontispiece, Vol. II]

THE JUDGES IN IRELAND, 1221-1921

BY F. ELRINGTON BALL

Hon. Litt.D. Dublin.

VOL. II

WITH FRONTISPIECE

THE
PUBLISHED BY

LONDON
JOHN MURRAY, ALBEMARLE STREET, W.

First Edition 1926

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BOOK IV
SOVEREIGNS—WILLIAM AND MARY TO ANNE.
YEARS—1690 TO 1714

CHAPTER I

WHIG AND TORY

SOVEREIGNS—WILLIAM III AND MARY II.

YEARS—1690 TO 1702

THE distinction of whig and tory was recognized from the first in the persons appointed to the Irish judicial bench by William and Mary. Six months after the army under the Duke of Schomberg's command had landed in Ireland, early in 1690, there issued a commission under the great seal of England appointing Sir Richard Ryves, Richard Pyne, and Robert Rochfort to be judges of oyer and terminer in Ireland.¹ All three had been zealous for the Revolution, but they were divided by the difference in opinion that began then to separate political parties. Although it was otherwise in subsequent appointments, the proportion in their case was two whigs to one tory, the tory being Ryves, and Pyne being joined in whiggery by Rochfort, strange as it seems in the case of one who lives in Swift's writings as a stalwart of the tory party. All three were of Irish birth, Ryves and Pyne being barristers of twenty years' standing, and senior to Rochfort by some eight years, and all three had good professional training, Ryves and Pyne having been called to the bar in the Middle Temple, as it chanced, on the same day, and Rochfort having been a student of Lincoln's Inn. They had all retired from Ireland on the Revolution, and had joined the adherents of William and Mary in London.² But, in addition to the claim

¹ S.P., Dom., 1689-90, p. 451.

² House of Lords MSS., 1689-90 *passim*.

thus established, they had strong backing. Ryves, who was a grandson of the judge of his name in Charles the First's reign, belonged to the Ormond entourage, and to that connexion owed already the recorderships of Kilkenny and Dublin and the office of second serjeant, from which he had been removed by Tyrconnel. Pyne, who was the son of a landowner in county Cork, was on terms of intimacy with the chameleon-like John Ellis, by means of whose Machiavellian methods, he had become, in spite of his political views, one of James's counsel in Ireland.¹ And Rochfort, who was the son of an officer that met his death as a consequence of the stern discipline in the Cromwellian army, had interest that had secured for him in preference to Ryves, the recordership of Londonderry.

While in Ireland, William was too much engrossed with his army to attend generally to civil affairs, but a month after the battle of the Boyne he converted the three commissioners of oyer and terminer into commissioners of the great seal,² and just as he was embarking for England, he made an appointment to the Irish judicial bench of signal importance. Regarded as an individual, and not merely as a lawyer, Sir Richard Cox, who mounted then the first rung of the judicial ladder as second justice of the Common Pleas, is undoubtedly the most striking figure in the period now under review. His capacity was unbounded. With extraordinary physical energy he united the utmost mental activity, and for more than twenty years he was unceasingly engaged in the capacity of a judge, or of an administrator, or of a writer on historical, political, and religious subjects. Although largely self-educated, he was able to fill the highest places in equity and common law with credit, and his letters, of which a vast number remain, show him to have been possessed

¹ Clarendon's *Corr.*, i. 391, 396, 420; cf. *Brit. Mus. Add. MSS.*, 28877 *passim*.

² *Lib. Mun. Pub. Hib.*, ii. 16.

of a singularly judicial mind, a noble character, and a great personal charm.¹ The Revolution found him a man of thirty-eight years of age. He belonged to a family that had migrated from Devonshire to county Cork, and in that county he was educated and acquired the rudiments of legal knowledge from the Earl of Burlington's seneschal, who was his uncle. Under the protection of the earl, he entered, at the age of twenty-one, Gray's Inn, and made such rapid progress as a legal student, that within two and a half years, he became assistant to the reader and was called to the bar. On his return to Ireland he resided in his native county. There his legal attainments were recognized in his appointment as a recorder and chairman of quarter sessions, but although they must have been greater than those of most Irish barristers of his day, they did not bring him elsewhere into any considerable notice.

It was on the Revolution that he gave proof first of his ability outside his profession. A few years before that event he had given indication of a literary inclination by collaborating with William Molyneux in the preparation of a description of Ireland, and mentioned then that he had begun to collect material for a history of that country.² After William and Mary had landed in England he formed the opinion that this material might be used to further the interest of Ireland, and in the opening weeks of 1689, addressed to the members of the Convention, a series of aphorisms to show the position of Ireland constitutionally, her importance to England, and the measures necessary for her recovery.³

¹ Brit. Mus. Add. MSS., 38153-7; Lib. Trin. Coll. Dubl. MS., 749; Marquess of Ormonde's MSS., N.S., viii; Duke of Portland's MSS., iii. iv, *passim*.

² Jour. Roy. Soc. Ant. Ire., xxxii. 353-76; cf. Brit. Mus. Add. MSS., 21127.

³ The aphorisms, which number twenty-eight, are thus entitled, "Aphorisms relating to the Kingdom of Ireland, humbly submitted to the Most Noble Assembly of Lords and Commons at the Great

With the same object he issued in the summer of that year, the first part of his "Hibernia Anglicana," with a dedication to William and Mary, in which he pointed out with what care and at what cost English sovereigns had hitherto kept Ireland under the crown, what disastrous consequences would ensue if she was to be alienated from England, and the necessity of promptly ending James's occupation.¹ To this part there followed in the spring of 1690 a second, with a dedication to William applauding his determination to proceed himself to Ireland and urging that his force should be such as would render long conflict impossible.²

Two years before his history was published, in the spring of 1687, Cox had been obliged to leave Ireland, where his opinions were well known, and had sought refuge in Bristol, a place that afforded him opportunity to practise as a barrister. There he had as a neighbour, at King's Weston, the accomplished Sir Robert Southwell, versed in affairs of state at home and abroad; and as a native of Southwell's birthplace, he made immediately acquaintance with him.³ Owing to similarity of view as to the Revolution and a tory policy, as well as of taste for scholarly pursuits, the acquaintance ripened quickly into friendship, and when Southwell went to Ireland in William's train as secretary of state, Cox accompanied him as one of his assistants.⁴

Convention at Westminster, London, 1689." In the catalogue of the library of Trinity College, Dublin, the tract is attributed to Cox, and on a copy preserved amongst the manuscripts (I. 6. 11) there is written "12 January 1688-9 by Richard C[ox] Esq." The tract has been reprinted in the Harleian Miscellany, v. 104, and in the Somers Tracts, xi. 402. Besides, after the Convention was over, Cox published also, on a half-sheet, "A Brief and Modest Representation of the present State and Condition of Ireland" (Ware's Works, 1764, ii. 209).

¹ The licence for publication is dated May 9, 1689, and The London Gazette of May 2-6 announces that Hibernia Anglicana is now in the press and will be published on the 15th.

² The licence for publication is dated February 18, 1689-90.

³ Brit. Mus. Add. MSS., 38153 passim.

⁴ S.P., Dom., 1690-1, p. 155.

Besides the rivalry between whig and tory for recognition in Irish judicial appointments, the old question of English versus Irish barrister came again to the front, and before William went to Ireland, the claims of the former were being pressed by some of the peers attached to William's court. Southwell was, however, on the Irish side, and in order to strengthen his hand, Cox drew up some arguments against strangers to Ireland being sent thither as judges.¹ In opening these arguments, he drew attention to the fact that the judges of English birth appointed by Charles the Second had in every case previous experience of Ireland, and insisted upon the importance of raising to the bench barristers of courage and spirit with private fortune who had proved themselves men of integrity and lovers of justice in the glare of practice at the bar. He expressed the opinion that no barrister who was earning three or four hundred pounds a year at Westminster would think of going to Ireland, and that injury had been done in the past by sending men of mean parts or ill morals; and he pointed out that the gentry of Ireland would no longer enter their sons in the English inns of court, if they found preferment in their own country barred to them. Finally, he dwelt on the laws of Ireland, especially those relating to land, requiring special study, and on the danger of judges having an estate to seek, which did not arise in the case of eminent practisers in Ireland, who all had estates already either by descent or acquirement.

In his efforts to secure a tory and Irish direction in the selection of judges, Southwell had soon the assistance of Sir Charles Porter, who had been a pillar of the Revolution, and was designated by William, on his

¹ "Reasons why Judges should not be sent over into Ireland of the gentlemen of the Inns of Court, who are strangers to Ireland," formerly preserved, amongst "Miscellaneous Papers prior to 1760," in the Public Record Office of Ireland.

return to London from Ireland, his Irish chancellor. Through the influence of Southwell and Porter the places of second justice of the King's Bench and second baron of the Exchequer were then filled by the restoration of Lyndon, and the appointment of Charles the Second's third serjeant, Henry Echlin, men whose toryism and knowledge of Ireland could not be disputed, but owing to the redundance of candidates, long delay ensued in filling the three chief and three remaining puisne seats. Of Charles the Second's judges, besides Lyndon, there remained Keatinge, Henn, Reynell, Worth, and Hartstonge. As the inheritor of a residence in England, Henn did not probably seek reappointment,¹ and Worth was out of the running as he had allied himself with Clarendon in his tortuous policy,² but the other three were in the field, as were also the three commissioners of the great seal and several members of both the Irish and English bars. When at last appointments were made, the three commissioners of the great seal were left out "by some misrepresentation," as was also Keatinge, whom Southwell and Porter had strongly supported, and who ended his life by his own hand as a consequence of his disappointment,³ and a compromise was made as to the other claimants by the choice of two tories and two whigs with knowledge of Ireland, and a tory and a whig with none. One of the whigs selected was Charles the Second's prime serjeant, John Osborne, who was given the chief justiceship of the Common Pleas, but in some way afterwards William was able to arrange that the seat should go instead to one of the whig commissioners of the great seal,⁴ and eventually the bench was constituted as follows, the tories with knowledge of Ireland being marked *a*, the tory without knowledge of Ireland *b*,

¹ Vict. Hist., Surrey, iv. 322.

² Clarendon's Corr., ii. 290, 311.

³ S.P., Dom., 1690-1, pp. 358, 548.

⁴ Ibid., p. 358.

the whigs with knowledge of Ireland *c*, and the whig without knowledge of Ireland *d* :

Chancellor	(<i>a</i>) Sir Charles Porter, P.C.
Master of the Rolls	(<i>c</i>) Sir William Temple, baronet.
Chief Justice of the King's Bench	(<i>a</i>) Sir Richard Reynell, baronet, P.C.
Justices of the King's Bench	(<i>a</i>) John Lyndon. (<i>c</i>) Sir Richard Stephens.
Chief Justice of the Common Pleas	(<i>c</i>) Richard Pyne, P.C.
Justices of the Common Pleas	(<i>a</i>) Richard Cox. (<i>b</i>) John Jeffreyson.
Chief Baron of the Exchequer	(<i>d</i>) John Hely, P.C.
Barons of the Exchequer	(<i>a</i>) Henry Echlin. (<i>a</i>) Sir Standish Hartstonge, baronet.

On his return to Ireland, where he landed for the second time just six months after the battle of the Boyne, on the eve of Christmas, 1690,¹ Porter found himself in a position that called forth powers of statesmanship and exercised to the full a gift of magnanimity and self-control which he possessed to such a degree that it is said no surprise or affliction, however great, could be discerned either from his countenance or speech.² The position was that of the first of two lords justices, in whom the government of the country was then vested, and that position was held by him for more than twenty months, during the troublous period that preceded and succeeded the treaty of Limerick. As a colleague he had the misfortune to have the future Earl Coningsby, whom Prior has held up to execration in "The Viceroy," and in his policy he had to contend not only with Jacobites, but also with whigs. In his letters, he leaves no doubt as to his attitude, impressing on his correspondents his

¹ S.P., Dom., 1690-1, p. 195.

² North's Life of Guilford, ii. 195.

“true understanding and contempt of Irish courage,” and his determination to run no risk by granting over much liberty to Roman Catholics, but at the same time urging the necessity of ending the war and of doing so by granting, as soon as some considerable military advantages had been gained, large concessions. As he said, such a policy could not but be unpopular with the English in Ireland, who wanted the Irish quite beggared, and with the house of commons in England, which had designed to pay the army with forfeited lands.¹

In Cox, Porter found a man after his own heart, and made use of Cox's genius. In the autumn after the battle of the Boyne, Cox had been indefatigable, acting as legal adviser to the lords justices, delivering the gaols in the north and in the south, and presiding in the Common Pleas, of which he was then the only judge available,² and in the following year he was given by Porter and Coningsby a commission to govern Munster. There his efforts seem to have been almost superhuman. With the touch of a magician's wand, he was able to raise a militia force of thirty-six troops of horse and twenty-one companies of foot, in some nine regiments, and could claim that after sending a thousand men to assist in the siege of Limerick, he had guarded a frontier eighty miles long, killed three thousand of the enemy, and taken booty to the value of twelve thousand pounds, with a loss on his own side of no more than ten men.³

In addition to discharging the duties of governor, Cox managed to act also as a justice of assize in Munster both in the spring and summer. Circuit-going was a thing that the judges seldom intermitted then, not only on account of the special allowance that was

¹ S.P., Dom., 1690-1, pp. 365, 393.

² Ibid., 1691-2, p. 463.

³ 30th Rep. Dep. Keep. Pub. Rec. Ire., p. 58; cf. Autobiography, and letters to George Clarke, 1690-1, Lib. Trin. Coll. Dubl. MS., 749.

attached to it, but also on account of profit from fees. In an autobiography,¹ Cox discloses that his first circuit after the battle of the Boyne brought him three hundred pounds from protections granted to the Irish at sixpence each, and that another circuit, the most beneficent that had fallen to his lot, brought him over four hundred pounds. From his autobiography, it is also evident that the judges took their duties lightly, and that in order to receive the circuit allowance the presence of the judge in all the assize towns was not considered necessary. Frequently he mentions that an assize town was visited by himself or his colleague alone, and on one occasion he records that he appeared in no more than one town on the circuit. Indeed, in the case of Reynell, who was in the peculiar position of occupying a seat in the English house of commons, as well as on the Irish judicial bench, failure to appear in even a solitary town was not a bar to receiving the allowance.²

During his ill-fated viceroyalty, Lord Sidney leant much on the members of the judicial bench and considered himself so much indebted to them after his conflict with the Irish parliament in the autumn of 1692, that he knighted after the prorogation, at the same time, all of them who were not already knights or baronets, in number six. Before Sidney had come to Ireland, Cox had been admitted to the privy council, and on Sidney's advice, Jeffreyson was also given a seat in it.³ Amongst his brethren Jeffreyson had no rival as a lawyer except Porter, and he was the senior not only in years, but also in standing as a former bencher of Gray's Inn, who had attained to the dignity of the coif. Besides, above and beyond all, he was a

¹ Autobiography of Sir Richard Cox, edited by Richard Caulfield, Lond., 1860.

² Carte Papers, clxx. 37; S.P., Dom., 1693, p. 355.

³ S.P., Dom., 1691-2, p. 170, 1693, p. 43.

tory. At that time the predominance of that party on the bench had been increased, as one of the few whigs, Stephens, had died in the spring of 1692, and on Echlin's being transferred to the King's Bench in his room, Sir Richard Ryves had become second baron of the Exchequer. Within a year Ryves died also, and on Echlin's being restored to his old seat, the recorder of Dublin, the Honourable Thomas Coote, another tory, became a justice of the King's Bench.

But the scene was soon to change, for the whigs carried the controversy into England, and succeeded in having the government of Ireland discussed in the English parliament. As a result, in the summer of 1693, Sidney's viceroyalty gave place to a coalition governorship by a whig and two tories as lords justices, and in the winter of that year Porter and Coningsby were called upon to answer in the English house of commons charges of maladministration. As, like Reynell, he had a seat in the English house of commons, Porter was able to defend himself in person, and did so with such ability that he obtained not only a vote in his own favour, but also in that of Coningsby, who was, however, not given so unreserved an acquittal. Some of the charges can have had little ground, and the wildness of the allegations made in the debate may be gathered from an assertion that Reynell had expressed a wish to see William killed which, considering Reynell's "employments and trusts," as Sir Edward Seymour remarked, was not common sense.¹

Eighteen months later, in the summer of 1695, when the whigs secured a further advantage by the dismissal of the two tory lords justices, and the conversion of the whig one, Lord Capel, into a lord deputy, an attempt was made to leaven the toryism of the bench, and Reynell and Hartstonge, who had been dismissed by James for favouring Protestants, now found themselves dismissed

¹ Parliamentary History, v. 820.

by William for favouring Roman Catholics. The two new judges, Nehemiah Donnellan and Robert Doyne, whom these dismissals brought upon the bench, were both members of the Irish bar, the former being prime serjeant and the latter a king's counsel, and they had both sat in the Irish house of commons, where they had presumably given satisfactory proof of their whiggery, which afterwards appeared, however, to be no more than skin-deep. They were also, strange to say, both of Celtic origin, Donnellan having the same descent as Charles the Second's chief justice of the name, of whom he was son by his second marriage, and Doyne tracing his descent from Irish chieftains.¹ Although Donnellan was prime serjeant and slightly senior in age, he was given the lower place, being appointed puisne baron in Hartstonge's room, while Doyne became chief baron, a place vacated by the promotion of Pyne to the chief seat in the King's Bench, and of Hely to the chief seat in the Common Pleas. At the same time, whig malice inspired the removal of Cox and Jeffreyson from the privy council.²

Under the rule of a whig chief governor the attack on Porter was renewed, and alleged judicial misdeeds were now catalogued against him in articles of impeachment by the Irish house of commons. The debates proved "a trial of skill in speaking and fasting," but Porter obtained at last audience, and addressing the commons from the bar, where he stood unattended, with his purse and hat laid on the floor beside him, he obtained again by his oratorical power an acquittal.³ His speech was followed by an incident curiously illustrative of the time.⁴ As in Swift's London experience,

¹ Burke's Landed Gentry of Ireland, under Doyne of Wells.

² S.P., Dom., 1694-5, p. 462.

³ Commons' Journals, Ire., 1695, Oct. 25; cf. Brit. Mus. Add. MSS., 28879, f. 159 et seq.

⁴ Lord's Journals, Ire., 1695, Oct. 26; cf. Marquess of Downshire's MSS., i. 569.

the rivalry between whig and tory had reached then such a height in Dublin as to affect the servants, if not the cats, and while driving his master home after his speech near midnight, Porter's coachman contended for priority with the coachman of the speaker of the house of commons, who was then the whig Robert Rochfort, and would have gained the race but that Rochfort descended into the street, and brandishing his mace and vociferating defiance, obstructed the way. With characteristic equanimity, Porter remained quiescent, but he had his triumph next day when the lords protested against the insult offered to their speaker by the speaker of the lower house, and complained to the lord deputy. Within little more than a year, shortly before Christmas, 1696, Porter's death took place very suddenly, while he was sitting in his closet on his return from court,¹ but soon as it came, it found him once more governing Ireland as the first of three lords justices, a place to which he had attained after Lord Capel's death, six months previously, in spite of the most strenuous whig opposition.

After Porter's death, the chancellorship was held, although it cannot be said to have been filled, for six years by the author of the famous Methuen treaty with Portugal. His appointment as Irish chancellor John Methuen owed entirely to his being a whig, and to his having the friendship of a most zealous one, Mr. Secretary Vernon, who admitted that Methuen's "gratification was extraordinary and beyond expectation."² Although he had been twenty years a barrister, and held the office of a master in chancery, Methuen could obtain from Lord Keeper Somers no more than an assurance that he had "no sort of objection to Methuen's promotion, yet could say nothing particular as to his qualification for that part of the business which related

¹ Brit. Mus. Add. MSS., 28880, f. 430.

² James's Letters of Reign of William III, p. 101.

to the chancery,"¹ and owing to his duties as a member of the English house of commons, and his employments as a diplomatist, Methuen was able to be no more than a visitor to Ireland, where his experience in public affairs did not save him from constant embroilment about both parliamentary and judicial business.

During one of Methuen's visits, John Dunton chanced also to be in Ireland, and he has left the following picture of Methuen and his brethren exercising their judicial functions :²

Having taken a view of all the streets and outlets in and about Dublin, you may perhaps think it a lawless place if I did not tell you that as in London, so here, there are four courts of judicature raised all upon arches and of good contrivance, so that if any man be called in one court, the crier's voice may easily be heard in all the rest. The high court of Chancery is the first I shall mention. In it sits John Methuen, esquire, lord high chancellor of the kingdom, with a purse and mace lying before him on a green velvet cushion. Four masters-of-chancery sit covered on the bench, viz. Sir John Coghill, LL.D., William Molyneux, LL.D., Richard Stone, and John Ussher, esquires. Below, at a round table, sit the six-clerks and other officers. The King's Bench is next. The judges of it are Sir Richard Pyne, knight, lord chief justice of Ireland, Sir John Lyndon, and the Honourable Thomas Coote, esquire, puisne judges. In the Exchequer sit Robert Doyne, esquire, lord chief baron of the Exchequer, Sir Henry Echlin, and Nehemiah Donnellan, esquire, puisne barons. On this bench sometimes sit the Right Honourable the Earl of Cork and Burlington, lord treasurer of Ireland, and Philip Savage, esquire, chancellor of the Exchequer. I am told that from this court no appeal can be made to England, as there may be from any of the other courts. The last is the court of Common Pleas, in which sit, Sir John Hely, lord chief justice of the Common Pleas, Serjeant Sir John Jeffreyson, and Sir Richard Cox, puisne judges.

In a word, I find that all the judges are men of such reputation that nobody complains of them ; only, I think,

¹ Shrewsbury's Corr., p. 451.

² Bodleian, Rawl., 71, ff. 27, 28.

the lord chancellor is not in so much vogue among the people, but on what cause to determine is not here so proper, but certainly he came into the situation under some disadvantages in succeeding so great a character for parts, equity, and temper of mind as Sir Charles Porter was. These courts following the same steps as those in London tread, I think it needless to give you any further account of them, only this, that the salary of the chancellor is said to be £2,000 per annum besides perquisites. The chief judges of the three other courts have each £1,000, and the puisne judges each £600. This is the account I have of the present establishment, though it may be altered at any time when the king pleases, and, therefore, was not always what it is now.

Besides these, the king has his attorney-general, Robert Rochfort, esquire, present speaker of the house of commons, a man of a good presence, voluble tongue, and courage to speak freely in his client's cause, which he is never obliged to let fall for want of industry in speaking to it. The solicitor is Alan Brodrick, esquire, a man of great parts and master of words, which he never spares, but sometimes utters with too much heat. In short, the topping lawyers here are sometimes very troublesome to the bench in their pleadings, not using that decorum so exactly observed in the courts of Westminster. These two gentlemen are said to get each £2,000 a year by their practice, and if the character of honest Englishmen be any advantage to them, they are justly masters of it. The king has also two serjeants-at-law and some other counsel.

It will be noticed that Dunton makes no reference here to the master of the rolls, but elsewhere he mentions that "the rolls office of the kingdom" was in the King's Inns, and that it was said to be worth £2,000 per annum.¹ The office had become entirely a sinecure one, and was transferred in 1696 by a family arrangement, readily ratified by William, from Sir William Temple to his nephew, the Honourable William Berkeley, who succeeded in the following year to the title of Lord Berkeley of Stratton as the fourth holder.

¹ Bodleian, Rawl., 71, f. 26.

The closing years of William's reign were marked for the Irish judicial bench by a number of changes in rapid succession. In 1699 a puisne seat was vacated in the King's Bench by the death of Lyndon, and in 1700 one in the Common Pleas by the death of Jeffreyson. These seats were filled by the appointment of two members of the English bar, the Honourable Robert Tracy, a younger son of the second Viscount Tracy, and John Smith. They had both the advantage of an Oxford education, and were of good standing professionally, Smith being dignified with the coif before going to Ireland. These vacancies were quickly followed by one in the chief seat in the Common Pleas caused by the death of Hely. To it Sir Richard Cox was promoted and to his place as a puisne, James Macartney, an Irish barrister, succeeded. Finally, after a sojourn in Ireland of only a year, Tracy was recalled to England to act there as a judge, which he did for a quarter of a century, and his place was taken by another English barrister, Gilbert Dolben, who was paternally the son and maternally the nephew of great prelates of the Church of England, and who as a man of large means, derived in part from his marriage to the heiress of the house of Mulso of Finedon in Northamptonshire, became soon a baronet.

The circumstances attending Hely's death and the filling of his seat are told by the lords justices to the lord lieutenant, who was then the Earl of Rochester, in the following letter, which bears date at Dublin Castle, April 12, 1701,¹ and is interesting as an example of the communications that passed in that period on the occasion of a judicial vacancy :

Yesterday we received an account from Sir Richard Cox, dated at Limerick, the 8th instant, that my Lord Chief Justice Hely died the day before at Ennis in the county of Clare, after two days sickness, and that he was then going

¹ Rochester's Corr., ii. 361.

forward to dispatch the rest of the business of that great circuit. At the same time we had his request that we would recommend him to your lordship to succeed in that station ; as also another request since that in behalf of Mr. Baron Donnellan. The persons are both of them very deserving, but we must acquaint your lordship that Sir Richard Cox is the elder judge by some years, and has served as second justice in that court above ten years past with great reputation.

But the most illuminating survival of that period is a printed report of a criminal trial,¹ which, by a curious coincidence, took place within two months of Hely's death, and concerned a gentleman belonging to the county in which Hely died. This gentleman, Patrick Hurley by name, who had been a student in Gray's Inn, was charged with perjury and conspiracy in seeking to recover from his county, under an act then in force, a sum of over a thousand pounds, of which, as he alleged, he had been robbed there by rapparees, and as the result of the trial he was found guilty on both counts. The report extends to fifty closely printed pages, and as trials then lasted never more than a day, it is probably a fairly full one, and is certainly sufficiently full to afford some idea of the procedure. The trial, which was considered one of much importance, took place in the court of King's Bench in Dublin, whither a Clare jury was brought, and the crown was represented by six counsel and the

¹ The Tryal and Conviction of Patrick Hurly late of Mougha in the County of Clare, gent., in his Majesty's Court of King's Bench in Ireland, the 31st of May 1701, upon two (several) Indictments : the one for Perjury and the other for Conspiring with Daniel Hicky, Daniel Carty, Donogh ô Bryen Andrews, junior, and other Malefactors to Cheat the Popish Inhabitants of the County of Clare of the Summ of 1202*l.* 9 shill. sterl. By Colour of an Act of Parliament lately made in Ireland, Intituled, An Act for the better Suppressing Tories, Robbers, Rappareoes, etc. To which is added An Appendix being an Answer to a Libel, Intituled, Patrick Hurly's Vindication with some Remarkable Passages of his Life and Actions. Dublin, 1701.

accused by three. Owing probably to the circumstances of the moment only a single judge, Coote, presided, and on him fell the lion's share of the day's work. Although the crown counsel included both the attorney-and solicitor-general, and the counsel for the accused future law-officers and judges,¹ Coote considered it necessary to supplement largely the questions put by them to the witnesses. Scarcely one of the latter left the court without undergoing interrogation by him, and at least one was called at his instance. Meantime, he was taking voluminous notes of the evidence, as appears from his charge which occupies seven pages of the report, and was left the whole responsibility of presenting the case to the jury. At the close of the evidence for the accused, which was considerable, the solicitor-general, Alan Brodrick, a future chancellor, remarked on it evidently in most general terms, being thus reported :

My lord, the persons produced by Mr. Hurley are men, by their own confession, who at some time or other were forsworn, and they are such men as have nothing between them and the gallows but this shifting: they are sensible no jury can believe them.

While the attorney-general, Robert Rochfort, who had thought it not incompatible with his great reputation to maintain an attitude of inactivity throughout the day, closed the case for the crown thus :

My lord, I think that the contrivance is made out so fully to the satisfaction of every man present that there never was stronger evidence than of both these villanies—the perjury and conspiracy to cheat—when a man has lived extravagantly and then goes about all manner of ways to retrieve his loss; and if perjury goes unpunished, it shall lie at the door of those gentlemen that have heard this matter so fully proved to-day, and this poor country must suffer by perjury if care be not taken to suppress it. It is

¹ Francis Bernard and John Forster.

now growing late, and I will not take up more time in summing up this long evidence to the jury, but leave it to the court.

Although sixteen years had elapsed since his supersession as chancellor, and more than ninety since his birth, Archbishop Boyle was still alive at the close of William's reign, and survived William for some nine months. Boyle's conduct after his supersession under James has been stigmatized for its complaisance by Burnet, who says that Boyle's religion became a subject of suspicion, and has been denounced by Swift in his very vigorous fashion as "false";¹ and Boyle's friend, Clarendon, who took him when he was in London shortly before the Revolution to kiss James's hand, shows that there was room for criticism.² But in the opinion of those best qualified to judge, Boyle was an honourable and pious, as well as a learned man, and any weakness of character after his supersession may be attributed to infirmity of health, which necessitated James's receiving him in "Mr. Chiffinch's lodgings,"³ and which, on his return to Ireland, soon increased so much as to incapacitate him from discharging his episcopal functions.⁴ Of the other judicial personages at the end of Charles the Second's reign, it seems also convenient to close here the record. Besides Davys, Keatinge, Lyndon, and Gorges, death had removed Johnson, who went to London after his supersession by James, and was buried within a year "in ye round of the Temple Church";⁵ Reynell who went also after his supersession by William to London, whence his body was borne four years later "in state with trophies" to be interred in Devonshire;⁶ and Hartstonge, who

¹ Burnet's Hist. of his Times, 654; Swift's Prose Works, x. 354.

² Clarendon's Corr., ii. 172-4. ³ Ibid., 174.

⁴ Dublin Diocesan Records. ⁵ Inner Temple Records, iii. 455.

⁶ Nichols's Top. and Gen., iii. 32.

retired to Hereford, a place with which he was connected through his last wife, and died probably there about the same time as William.¹ Of the other two judicial personages at the close of Charles's reign, Henn survived for six years after Anne's accession,² and Worth, who acted for many years as a commissioner for the management of Ormond's estates, survived for seven years after George the First's accession.³

¹ Foster's *Alumni Oxonienses*, under Hartstonge, Gwynn; *Brit. Mus. Add. MSS.*, 2884, f. 253 et seq.

² *Masters of the Bench of the Inner Temple*, p. 42.

³ *Marquess of Ormonde's MSS.*, N.S., viii, p. xxix and passim; *Mason's St. Patrick's Cath.*, p. lix.

CHAPTER II

TORIES TRIUMPHANT

SOVEREIGN—ANNE. YEARS—1702 TO 1714

OWING to the change of political complexion in William's ministers at the close of his reign, the last vacancy on the judicial bench of Ireland filled by him was given to a tory, and to one occasioned soon after Anne's accession by Mr. Justice Smith's following his brother Tracy to the English bench, another tory, Anthony Upton, an English barrister, was nominated. The tendency in a tory direction was confirmed on the appointment of the second Duke of Ormond as viceroy. With him, toryism was the only key to favour. His first step was to obtain, on the retirement of John Methuen from the chancellorship in the summer of 1703, the appointment as chancellor of Sir Richard Cox, who was then acting as head of a commission for the management of Ormond's estates.¹ As a consequence of Cox's promotion, advancement came to Chief Baron Doyne and Baron Donnellan, who found reason to change their political opinions, and a seat on the bench fell to an Irish barrister, Robert Johnson, whose devotion to the name of tory was fanatical, with the result that in 1704, Sir Richard Pyne and Mr. Justice Macartney were the only whigs on the bench which was thus constituted :

Chancellor	Sir Richard Cox, baronet, P.C.
Master of the Rolls	William Lord Berkeley of Stratton.

¹ Marquess of Ormonde's MSS., N.S., viii. p. xxxiii.

Chief Justice of the Queen's Bench	Sir Richard Pyne, P.C.
Justices of the Queen's Bench	The Hon. Thomas Coote. James Macartney.
Chief Justice of the Common Pleas	Robert Doyne, P.C.
Justices of the Common Pleas	Anthony Upton. Sir Gilbert Dolben, baronet.
Chief Baron of the Exchequer	Nehemiah Donnellan, P.C.
Barons of the Exchequer .	Sir Henry Echlin. Robert Johnson.

So far as his seat on the common law bench permitted, Cox had been active throughout William's reign in regard to Irish politics, and had printed his thoughts on such controversial subjects as the conversion of Roman Catholics and the restriction of the Irish woollen trade.¹ In correspondence he pressed also his views, especially in regard to a parliamentary union with England. Of it he was an early and strong advocate.² His attitude he described as that of "a right Englishman." Although he had not a foot of land in England, he was as solicitous, he said, for her prosperity as if his whole estate lay within her bounds. The doctrine preached by Molyneux he held to be false and likely to have ill consequences. He had opposed, it was true, the restriction of the woollen trade, but if he had believed that it would be of advantage to England he would not have done so. In his opinion its effect would be to weaken the English garrison in Ireland; some of the garrison would become ill-affected and would join the Scots, others, like himself, would remain well-affected but would return to their own country, and the result would be disastrous to England. His aim

¹ Some Thoughts on the Bill depending before the Right Honourable the House of Lords for prohibiting the Exportation of the Woollen Manufactures of Ireland to Foreign Parts, Dublin, 1698, and An Essay for the Conversion of the Irish, showing that 'tis their duty to become Protestants, in a Letter to Themselves, Dublin, 1698.

² Froude's English in Ireland, 1881, i. 336.

was to make Ireland as secure to England as Wales, or one of her own counties, and his method was a parliamentary union, in which Ireland was to be represented by sixty-four knights of the shire, ten lords, and six bishops. From an English point of view, he dwelt on the fact that such a representation would be sufficient to bring her an appreciable amount of Irish money, while not able to affect her policy, and urged that her power to resist her foes would be augmented, especially at sea if she made full use of the Irish ports, and that her trade with Ireland would be increased, as importing from her would be easier than from foreign countries, an advantage that would be soon recognized by a lazy people like the Irish. As regarded the English in Ireland, the only inhabitants for whom he had any concern, the advantage seemed to him too manifest to need argument: in a generation or two, owing to constant communication and trade, they would find themselves, he believed, equally at home in England, and “the Scots, Irish, and other foreigners” in Ireland would become “perfect English as that which only would be fashionable.”¹

During his tenure of the chancellorship, which was less than four years, Cox presided in two sessions of the Irish parliament as speaker of the house of lords, and acted for the remainder of the time as first lord justice. Party feeling ran too high to permit his station to be other than one of anxiety and trouble. He had been always a tory, and in a character such as his, inconsistency could find no foothold. To his dying day he declared that he would be an anti-whig, and although in private life the most amiable of men, he did not hesitate to assign his opposition to the “canting, lying, and hypocrisy” that affected the whigs as a party, and to the “mutiny and schism” by which many of

¹ Cox to Southwell, 1699 Oct. 28, Brit. Mus. Add. MSS., 38153; cf. Duke of Portland's Manuscripts, iii. 609.

them as individuals were actuated.¹ With the Scots, or Nonconformists, he was constantly at war. He gloried in being a firm churchman, and would gladly have been able to claim the introduction of the sacramental test in Ireland, which was attributed wrongly to him. His loss of his seat in the privy council during Capel's government was due, as he believed, to his having stopped a toleration bill. As he said, he was willing that every man should have liberty of going to Heaven, but he desired that nobody should have liberty of coming into the government, but those who had conformed to it. He claimed to have dealt gently with his dissenting brethren, and to be averse to all manner of persecution. At the time of the Revolution he had been a bitter whig in the eyes of the Irish and the pet of the dissenters, but as chancellor the Irish "loved him as their least cruel enemy," while some dissenters called him a papist. As far as he could see, there might be necessity that dissenters should be saints, but there was none that they should be justices of the peace.²

To the second Duke of Ormond, with whose first viceroyalty his own term of office as chancellor synchronized, Cox was devoted. He followed him as the shadow does the substance, and not many months before they were superseded, on the occasion of the death of the only lord justice then associated with him, he risked his reputation in Ormond's interest by preventing the election of a lord justice by the privy council under an ancient statute, which would have had the effect of voiding Ormond's commission as viceroy. In his opinion it was the most critical juncture of his life. His judgement, his courage, and his integrity were all at stake. The generality of opinion was against him and impeachment was a possibility if he was in the wrong, but "his integrity supported his courage,"

¹ Cox to Southwell, 1714 Aug. 14, Brit. Mus. Add. MSS., 38157.

² Same to same, 1706 Oct. 24, *ibid.*, 38154; Autobiography, p. 15.

until he discovered a precedent in the case of the vacancy on Wandesford's death that satisfied him that he was in the right.¹

The manners and customs of Cox's time are seen in many allusions in his letters. At the age of forty-nine he mentions that his wife presented him with his twenty-first child, as fine a boy as he ever saw, and he gives subsequently an indication that it was not the last gift of that kind that he expected.² The pleasures of the table were not despised by him. In his early judicial days "the best Welsh ale in Europe," of which Lord Justice Coningsby partook incognito, was in his possession, and afterwards "the best claret in the world" flowed from his cellar.³ At Dunmanway, his seat in county Cork, he made, what no one in Ireland can make now, "paradise cheese," which English people relished, and amongst the products of the neighbourhood he refers to usquebaugh and saffron-wine. He is eloquent on the result of eating "bacon and sprouts" after fish, and of partaking too freely of mum, and although he was himself no friend to quacks, he was compelled, as women ruled in his house, to send to London for *electuarium stomachicum*.⁴ Of music he was a devotee, and he befriended John Abell, a celebrated tenor whom Ormond brought to Dublin.⁵ In the matter of dress he was something of "a beau." His periwigs were supplied by a London firm, and as an ex-chancellor he made a figure like a general as to coat and sword, but being modest, he tried to lessen the resemblance by wearing lace-bands.⁶ The honour of his office was also

¹ Autobiography, p. 19.

² Marquess of Ormonde's MSS., N.S., viii. 38.

³ Cox to Clarke, 1690 Nov. 1, 1691 Sept. 24, Lib. Trin. Coll. Dubl., MS. 749.

⁴ Cox to Southwell, 1704 Sept. 7, 1706 Mar. 6, 1707 Jan. 23, July 1, 1713 Sept. 5, 1716 Dec. 10, Brit. Mus. Add. MSS., 38153-7.

⁵ Ibid., 1712 Feb. 6; cf. Marquess of Ormonde's MSS., N.S., viii. 81.

⁶ Ibid., 1704 Sept. 7, 1707 July 3, 8.

duly upheld by him, and the Duke of Ormond was consulted touching the disposal of his purse while he was holding the office of a lord justice. When proceeding to church or to council, the lords justices were accompanied in their coach by a peer to bear the sword of state, and then perforce the purse had to lie in Cox's lap, but on other occasions the sword-bearer was not in the coach, and Cox wished his purse-bearer to have then the sword-bearer's seat in order that he might hold the purse, to which his colleagues demurred.¹

The example set by Cox while on the common law bench in regard to politics was followed by many of the judges in Anne's reign. On the tory side Dolben, Johnson, who was a son of the former judge of that name, and Upton were all active. During the whole of the reign, Dolben occupied a seat in the British house of commons as well as in the Irish Common Pleas, and spent every winter in London, receiving, like Reynell, his circuit allowance when absent as well as when present.² Johnson, who owed his seat in the Exchequer, as we have seen, to Ormond, kept his patron posted as to tory prospects in Ireland, counting heads in the house of commons and reporting on the position in the constituencies.³ And, although the part taken by Upton is now not known, it led, in his own day, to a political origin being attributed to William King's poem, "Mully of Mountown," which has for its subject Upton's rural retreat near Dublin.⁴ On the whig side, Macartney immortalized himself by going to the house of commons when the representation of Belfast was under debate, and refusing to leave when "candles were put out" and other strangers withdrew; and although he was not insensible to Ormond's influ-

¹ Cox to Southwell, 1704 May 9.

² S.P., Dom., 1702-3, 399.

³ Marquess of Ormonde's MSS., N.S., viii. passim.

⁴ County Dublin, i. 10.

ence, Pyne was generally found on the side of the whig party.¹

But two of the judges, Echlin and Coote, enjoy fame from "the greatness of soul" that they displayed as bidders at John Dunton's book auctions. With regard to the first, Dunton thus soliloquizes :²

I cannot omit to add to the rest of my benefactors Mr. Baron Echlin, a person of great honour, and of a greatness of soul beyond most that I ever heard of. He is such a universal lover of books that very few, if any, shall escape him whatever they cost. He has a very large and curious library, yet is as inquisitive still after rarities as if he had none. He is a most noble encourager of the book-making trade, and whenever he dies the stationers of England and Ireland will have a great loss, beside what the public will sustain thereby.

And of Coote, Dunton had the satisfaction of being able to record that he was not only "a person of great piety who lived universally beloved and greatly merited the honours that he enjoyed," but also was so far a lover of books as to have been pleased to order several to be bought for him at the sale.

A year and a half before the close of Ormond's first viceroyalty a contest began between him and the English ministers as to filling a vacancy on the bench caused by the death of Chief Baron Donnellan. For six months the appointment hung in the balance, and the progress of the contest marked Ormond's waning political power. The rival candidates were the Irish attorney-general, Robert Rochfort, who, on the advent of Ormond's viceroyalty had, like Doyne and Donnellan, changed his political opinions, and an English equity lawyer, Richard Freeman, who was a whig and favourite of Lord Somers, men who were equal in possessing

¹ Marquess of Ormonde's MSS., N.S., viii. 313.

² Life and Errors, p. 521.

outside their profession an assured position, Rochfort as a landowner in the county of Westmeath, where he was afterwards represented by the Earls of Belvedere, and Freeman as a landowner in Gloucestershire, where he is now represented by Lord Redesdale.¹ From the first Ormond was conscious that the attorney-general was anything but a strong candidate. In acquiring his property, Rochfort had been openly accused of sharp practice, narrowly escaping death at the hands of one who thought that he had been defrauded by him, and whig malice knew no bounds in attacking a renegade from their party, as may be judged from the following lines addressed to his assailant :

To Mr. Creswick, on his bold but unsuccessful attempt of stabbing the Attorney-General Rochfort in St. Andrew's Church.

Bravely resolved, by Heavens, 'twas Roman blood
 Inspired the soul to be thus boldly good ;
 Second to Felton thou hadst rais'd thy fame,
 If eager passion had not wrong'd thy aim ;
 But fate for him design'd not such a death,
 The common noose shall stop his perjur'd breath.
 When Cæsar fell it was by a patriot's hand,
 But abject rogues shall suffer by command ;
 Thus fell his father,² thus the son shall die,
 A scare-crow to succeeding villainy ;
 Not a spectator one poor tear shall give,
 Spite of the proverb yet his heir shall grieve,
 When like a deluge law shall him o'er-run ;
 Then perjured orphans may expect their own ;
 That ill-got wealth which fraud unto him lent,
 By what it ne'er was got shall then be spent. ³

In order to run the solicitor-general, who was then Sir Richard Levinge, a man of English birth, Ormond

¹ Marquess of Ormonde's MSS., N.S., viii passim.

² *Infra*, p. 69.

³ The Whimsical Medley, ii. 72, 73, Lib. Trin. Coll. Dubl., MS. 879 ; cf. Marquess of Ormonde's MSS., N.S., viii. 76.

tried unsuccessfully to induce Rochfort to relinquish his pretension by holding out the prospect of a peerage ; but Ormond was not prepared to follow Cox's advice, which was to throw over Rochfort and Levinge and put forward either Echlin or Dolben, as men with a strong claim to promotion, rather than to allow the appointment of his opponents' nominee, and finally the latter carried the day.¹

On his arrival in Ireland, Freeman displayed the qualities of a good lawyer and gained generally respect.² To the tory party he recommended himself by refusing to allow the business of his court to be dominated by Ormond's rival for political favour in Ireland, a rôle which was then being played by Alan Brodrick. Soon after the time of Hurley's trial the latter had become the recognized leader of the Irish whigs, and on the assembling of Anne's first Irish parliament he had been elected speaker of the house of commons without opposition. Its absence was due to Ormond, who hoped that Brodrick's activities would be curbed by his occupancy of the speaker's chair, and that "the Brodricians" would become less active in opposition, but this stroke of political finesse was one that Ormond had cause to regret. The prestige that the position of speaker gave Brodrick was used by him in the interests of his party to such an extent that Ormond marked his disapproval by removing him from the solicitor-generalship and when Freeman arrived, no less a designation than that of Ormond's rival conveys the idea of the position that Brodrick occupied. His arrogance was

¹ Marquess of Ormond's MSS., N.S., viii, p. 209 ; Cox to Southwell, 1706 Jan. 22, Brit. Mus. Add. MSS., 38153.

² In his State of Gloucestershire (p. 133), Sir Robert Atkyns says that Freeman's preferment to the Irish bench was not of his own seeking, and looking at Kip's engraving of Freeman's ancestral home, one cannot but wonder that he submitted to be banished from it. Atkyns describes it as a very handsome pleasant seat, and adds that it was joined to a great estate which had been enjoyed by Freeman's family for seven generations.

admitted even by his friends, and is thus described by his political enemy, Baron Johnson, to Ormond : ¹

Your grace's opinion about our new chief baron and the faction will, I do not doubt, prove to be very right, for he seems to be in all points for honour and honesty, both which your grace very well knows are always their opposites. Mr. Brodrick does not find his opinion can at all prevail with him any further than that opinion can be supported by reasons that would make it prevail out of any man's mouth that were at the bar, and those reasons not happening to be often of his side, my lord and he do very often differ in opinion, which the standers-by do observe with no small esteem of my lord's impartial justice. There are several instances of that kind wherein the gentleman who used to carry it so high has lost much of the opinion of having a universal, or a particular influence over that new-comer, whom once he would have had thought had in a manner instructions to show a most particular regard to his honour. But what is still worse is that this new gentleman is not to be importuned out of anything, and then, instead of admiring it, he hates an obstreperous, noisy way of practice, the only or the chiefest excellency of some people, by which they have got such vast sums of money.

The supersession of Ormond as lord lieutenant in the summer of 1707 in favour of the Earl of Pembroke was followed by the supersession of Cox as chancellor in favour of Freeman. As Freeman's political opinions were thoroughly in accord with those of the new viceroy, this step seems not an unnatural one, but considering the conflict of the previous year, it is not easy to explain another appointment which ensued, that of Rochfort as Freeman's successor in the Exchequer. It was variously attributed to a desire to create a vacancy in the office of attorney-general, in order to give it to Brodrick, and to the transfer of a thousand pounds from the pocket of Rochfort to that of someone else, and both reports

¹ Marquess of Ormonde's MSS., N.S., viii. 276.

may have had a substratum of truth, for Brodrick became attorney-general, but could have done so by Rochfort's removal as well as by his promotion.¹

During Freeman's tenure of the chancellorship, which terminated in his death after a duration of little more than three years, occasional notices of the proceedings of the Dublin courts appeared in the London newspapers. Window-dressing and procrastination appear to have been the order of the day. Writing from Dublin on February 1, 1709, the Irish correspondent of *The Supplement*² informed its readers that "our four courts sit every day, but no great business is done." On the 12th he was able, however, to assure them that "this day, being the last day of our term, several causes were heard in the Queen's Bench, Exchequer, Chancery, and Common Pleas."³ To the latter communication he adds that two days before the trial of Mr. Colt, who had been returned by "the grand inquest" as guilty of the murder of Mr. Maclean, presumably in a duel, had been postponed, and that

Yesterday came on the trial of those who printed and sold the manual of prayers for the pretended Prince of Wales, viz. Mr. Birmingham, the merchant and alderman, Mr. Mallon, the bookseller, Mr. Dowling, the bookseller, and Mr. Carter, the printer. The trials commenced about nine or ten in the morning and continued till four in the afternoon. The jury brought them in guilty and they were fined each three hundred marks Scot, and to continue in prison till it be paid. Mr. Birmingham gave in bail of £4,000, three sureties £1,000 each, and himself £1,000, for he is to be tried next term again, he being the cause of the printing of it, and Mallon to continue nine years in imprisonment as being the author. Mr. Waters, the printer, and Mr. Lawrence, a bookseller, came in as evidence against the rest which cleared them.

¹ Cox to Southwell, 1707 June 27, Brit. Mus. Add. MSS., 38155.

² Issue of Feb. 11-14.

³ Issue of Feb. 18-21.

At the close of the year 1709 the chief seat in the Queen's Bench, which became vacant by the death of Sir Richard Pyne, was accepted by Alan Brodrick, although the loss of income in relinquishing for it the offices of attorney-general and speaker of the house of commons then held by him was very great. Of one of the duties that fell immediately to his lot the Irish correspondent of *The Supplement* gave on February 6, 1710, the following account :

This term several popish priests came to town and took the oaths and subscribed the declaration according to the late act. They refused to do it in the country at the sessions, because they would not have the parishioners know they would do the same. They came incognito to town. The judges made them stand in open court and speak out aloud in their recantation.¹

To Freeman, who acted during his short term of office like Cox, both as a lord justice and as speaker of the house of lords, there is also occasional reference in the London press. A year after his appointment as chancellor we are told of his receiving by the hands of his secretary, who had crossed from Holyhead in a man-of-war, for which he had waited there three weeks, a new great seal, which the Scotch union had rendered necessary, and which was reported to have cost two thousand pounds, and later on we read of his entertaining sixty ladies in the boxes of the play-house, when Vanbrugh's play, "Æsop," was acted, and seats rose to a crown each, and of his pardoning Mr. Byrne, "the brandy-man," when he appeared in the house of lords on his knees, for his coach having overturned his own.²

The formation of the tory administration of Anne's last years in the autumn of 1710 coincided with Freeman's death, which was the result of a brain disorder.³ It

¹ Issue of Feb. 17-20.

² The Supplement, 1708, Oct. 6-8, 1709, Feb. 18-21, 1710, Sept. 8-11.

³ Ibid., 1710, Nov. 27-9; cf. Bodleian MSS., 31763.

gave occasion for loud lamentation on the part of a Dublin elegist, who sang in uncertain numbers of the serenity and affability, justice and charity, promptitude and authority that were seen in Freeman's character :

He would have lived that after ages may
Enjoy through him eternal holiday ;
Upon the bench a mighty Minos he,
Seemed by the sealing of his equity.¹

If Freeman had lived, the high-flyers would, without doubt, have contrived his removal. To do so would have been less difficult than to prevent the return of Cox to the woolsack when the vacancy came. In opposing the return of one whom they regarded as no better than a whig, they were, however, successful, and were gratified by the appointment in Freeman's place of Sir Constantine Phipps, who was then one of their heroes on account of his " nervous and irrefragable defence " of Sacheverell,² and who drifted ultimately into the troubled sea of Jacobitism.

In the opinion of the whigs, the ancestor of the Marquess of Normanby used his official position to further the interests of the Pretender, but there is no proof that he had been opposed to the Hanoverian succession before George the First ascended the throne ; indeed, if his words are to be believed, there is ground for thinking otherwise,³ and there is certainty that offended amour-propre, not to mention loss of office, was sufficient in his case to account for any change of

¹ An Elegy on the much Lamented Death of the Right Honourable R. Freeman, one of the Lords Justices and Lord High Chancellor of her Majesty's Kingdom of Ireland, who Departed this Life the 20th of this inst. November, 1710 :

Great Freeman's dead, that living did before
A golden age to all his friends restore.

Irish Pamphlets, iv. 254, in Lib. Trin. Coll. Dubl.

² The Post Boy, 1711, Feb. 1-3.

³ Lords' Journals, Ire., 1713, Dec. 24.

opinion, however great or sudden. In Sir Constantine Phipps, vanity was personified. His career in Ireland, where he became on his arrival a lord justice, was inaugurated by his making a royal progress to Killaloe and Limerick, and afterwards while acting as speaker of the house of lords, during a parliamentary recess, he made another progress to Killarney and Cork, in which he vied with the viceroy, Ormond, who was then filling that office for the second time and was visiting Kilkenny. On these progresses, Phipps was attended by a numerous train, including a peer, two chaplains, and an aide-de-camp, and exacted at every stage a reception nothing short of regal. In the country he was caressed and splendidly entertained by the nobility and gentry, and in the towns he found awaiting him civic feasts and freedoms, which in the case of the larger corporations he allowed to be conferred on himself and in the case of the smaller corporations on his chaplains.¹

According to the great Berkeley, who was then discharging academic duties in Dublin, Phipps was at that time much liked and well spoken of by men of all shades of opinion, and did not seem to interest himself in any party.² But this was all art. From the moment of his arrival at the beginning of the year 1711 Phipps set himself to obtain tory supremacy in church and state, and within two months of his arrival the removal of the two whig members of the judicial bench, Brodrick and Macartney, was in sight. Writing then to the Duke of Ormond, who had not yet come to Ireland, Phipps thus delivered himself :³

I take it for granted by what your grace was pleased to intimate to me that the chief justice of the Queen's Bench here is to be removed, and that Sir Richard Cox is

¹ The Post Boy, 1711, April 21-4, April 28-May 1, Sept. 27-9 ; The Supplement, 1711, Sept. 26-8.

² Berkeley and Percival by Benjamin Round, p. 95.

³ Marquess of Ormonde's MSS., i. 64.

to succeed him, but I beg leave to represent to your grace that one alteration in that court will not be sufficient, for Sir Richard Cox will not be able to do that service to the crown which is expected from him, if some able and experienced lawyer be not put into the place of Mr. Justice Macartney, who, I think, is by no means fit to fill that place he is in. Mr. Justice Coote behaves himself like a fair, honest gentleman. Here are two very ingenious gentlemen, who are very well qualifying for that place, if either of them can be prevailed upon to accept it. I will try what I can do, if I have your grace's commands for that purpose.

Against the Queen's Bench, tory feeling was then much excited by a conviction that three recent decisions of that tribunal had been dictated by whig bias. The first of these decisions, which had been given in Michaelmas term, was in the case of two undergraduates, who in a moment of revelry had defaced the well-known Dublin statue of William the Third on the green of the college, and by that decision the young collegians were held to have been guilty of a trespass and sentenced to stand in a pillory near the statue for half an hour, to pay each a fine of one hundred pounds, and to be imprisoned for six months. Whether dictated by whig bias or not, this savage sentence caused general consternation. On the interposition of a chief whig, the archbishop of Dublin, "the infamous part" of the sentence was remitted, and with what was no doubt alleged by the whigs to be tory bias the Exchequer reduced the fines to half a crown each.¹ The second of these decisions, which had been given in Hilary term, was in the case of a presbyterian bookseller who was indicted for printing and publishing a Jacobite tract, and by that decision a verdict of guilty but without any ill design was

¹ Dawks's News Letter, 1710, Aug. 24; The Supplement, 1710 Nov. 27-9; Southwell to Dawson, 1710 Nov. 29, formerly in Pub. Rec. Off. Ire.; Marquess of Ormonds's MSS., N.S., viii. 329.

rejected, and one of not guilty obtained.¹ The third of these decisions, which had been given three days after the second, was occasioned by an indictment of the same bookseller for a similar offence in regard to another Jacobite tract, and had the effect of postponing the trial until the next term and of saving the bookseller from the tender mercies of a panel of "true sons of the Church."²

A few weeks later, while presiding as a justice of assize at Carrickfergus, Macartney delivered himself into the enemy's hands still further as a political partisan, and into the eyes of posterity as a man devoid of common sense, by giving judicial sanction to a charge of witchcraft brought by "the nonconforming Scots" against episcopalians. The charge, which came for trial before him and his brother, Upton, rested upon "the afflicted person's visionary images," and for the defence, it was proved that the accused women, numbering no less than eight, were persons leading a religious life and attending constantly divine worship. Although he professed no disbelief in witchcraft, Upton was of opinion that on the evidence the jury could not convict, but Macartney, instigated by suspicion of high-flying machinations and trust in the testimony of whig adherents, held the contrary, with the result that the women were found guilty and were sentenced to be imprisoned for twelve months and to stand four times in the pillory, from which they escaped barely with their lives owing to the mania of the populace.³

It was not until Trinity term was over that a change was made in the constitution of the Queen's Bench, and two further trials that took place in it before Brodrick and Macartney were superseded are remarkable

¹ The Supplement, 1711, Feb. 16-19.

² Ibid.

³ McSkimin's Hist. of Carrickfergus, 1823, pp. 72-4; The Supplement, 1711, June 29-July 2; cf. Dublin Penny Journal, i. 369, 370.

for the contrast in the result. The first of these trials was the adjourned one of the presbyterian bookseller. According to an organ of the whig party it provoked eight hours' debate and a great deal of learning on both sides, but as the bookseller was known to be "a person well affected to the late happy Revolution and present constitution," the jury brought in, after only some minutes' consideration, a verdict of not guilty to "the great mortification of the Jacobites and Sacheverellites."¹ The second of these trials was that of three Roman Catholics for dispersing a Jacobite song. As papists they were outside the pale of both whig and tory, and no adverse comment greeted their conviction and punishment, two of them, a solicitor and a tailor, having to stand in a pillory, while the song was burned by the common hangman before it, and the third having to undergo six months' imprisonment.² Besides these trials it was also reported that a noted priest-catcher had been indicted in the Queen's Bench for perjury and was to be pilloried.³

Before the summer assizes went out the places of Brodrick and Macartney had been taken by their successors, Sir Richard Cox and Richard Nutley. Surprising as Cox's failure to secure reappointment as chancellor had been, the delay in his appointment as chief justice was still more astonishing. It is evident from Phipps's letter that Cox had been designated for the latter office, when passed over for his former one, and he was certainly neither out of mind nor sight of his friends in England. Since his removal from the chancellorship he had published in England two religious treatises,⁴ and he had paid two prolonged

¹ The Flying Post, 1711, May 15-17.

² The Supplement, 1711, June 26; cf. The Post Boy, 1711, July 12-14.

³ The Supplement, 1711, June 29; cf. The Post Boy, 1711, March 27-9.

⁴ An Address to those of the Roman Communion in England, occasioned by the late Act of Parliament for the further Preventing

visits to that country, the latter one extending from the accession of the tory party to power until he was given the king's letter for the chief justiceship.¹ The explanation of this inconsiderate treatment of an old and faithful member of the tory party is perhaps to be found in the suggestion that the second Duke of Ormond, unlike his grandfather, was not "the readiest bestower on those who were most necessary to him and deserved best of him."²

By the appointment of Richard Nutley as Macartney's successor the bench gained more in worldly wisdom than in rectitude, inasmuch as he had not hesitated to alter in his client's interest a decree of the house of lords,³ and while on the bench he misled his colleagues for a political motive. Thirteen years before his appointment as a judge Nutley had gone to Ireland, after a hurried call to the bar in the Middle Temple,⁴ as secretary to the commission on the forfeited estates, and afterwards he had entered the Irish parliament and joined the Irish bar. At it his practice does not appear to have been of a high class judging by a reference to him in a satire on the high-flyers' club in Dublin :⁵

Nut-brain a daggie-gown of large renown,
For weak support to needy client known,
With painted dangers keeps his mob in awe
And shrewdly construes faction into awe.

the growth of Popery, recommended to those of the Roman Communion in Ireland upon a late like Occasion, Dublin, 1709, and An Inquiry into Religion and The Use of Reason in Reference to it, by a Lay-Hand, London, 1711.

¹ Cox to Southwell, 1707 July 31 to 1708 April 20, Brit. Mus. Add. MSS., 38155-6; Welbore Ellis to John Ellis, 1710 Sept. 6, *ibid.* 28934.

² Southwell to Dawson, 1711 Feb. 10, formerly in Pub. Rec. Off. Ire.

³ Lords' Journals, Ire., 1707, Aug. 13, Oct. 27.

⁴ Middle Temple Records, 1698, May 13, June 3.

⁵ The Swan Tripe-Club: A Satyr on the High-Flyers in the year 1705, London, 1710;

His elevation to the bench he owed to the support of the high-flyers, and to the favour of Ormond, by whom he had been employed as an agent to raise money on the much encumbered ducal estates.¹

Soon after the change in the constitution of the Queen's Bench, a violent conflict began between the Irish privy councillors, who were predominantly tory, and the Dublin aldermen, who were predominantly whig, as to the choice of a lord mayor, over which the privy council had a right of veto, and the privy councillors rejected no less than six aldermen elected by their fellows to the civic chair.² As Ormond was in Ireland then, the whigs attributed to Phipps only a share of the responsibility for the conflict, although, as a matter of fact, it would never have arisen except for him, but in the autumn, the whigs became no less excited about a matter which was wholly in his province, the appointment to the commission of the peace of persons who had only recently joined the established church and whose conduct in the past had not been remarkable for loyalty to the principles of the Revolution. Shortly before parliament rose in the late autumn, a very warm debate took place in the house of commons on the subject and a resolution was passed asking for the removal of the newly appointed magistrates.³ To such a resolution Phipps was little disposed to attend, and the form which his response took may be judged from the following paragraph contributed to *The Supplement*⁴ by its Dublin correspondent under date December 1 :

This morning two or three of our whiggish justices of the peace for the county of Dublin were turned out of the commission of the peace, and in a few days the remainder of

¹ Marquess of Ormonde's MSS., N.S., viii. 55.

² Commons' Journals, Ire., iii. ii. lxxviii.

³ The Evening Post, 1711, Oct. 23-5.

⁴ Issue of 1711, Dec. 10-12.

that faction will have the same fate and honest churchmen put in their room.

As soon as parliament rose Ormond returned to England and Phipps became again a lord justice. Shortly before the Queen's birthday came round, in the beginning of 1712, he was deprived of his only colleague in the government by death, but he did not allow the proper celebration of the day to be interrupted, and played the part of chief governor right gallantly, as the Dublin correspondent of *The Evening Post*¹ informed its readers under date February 7 :

Yesterday being the anniversary of her Majesty's birthday, the same was observed here with great solemnity. His Excellency the Lord Justice Phipps went to the Castle in the morning and was complimented by the nobility, judges, and gentry. About twelve of the clock a birthday song in honour of her Majesty was performed by the best masters, at which was a very great appearance of ladies. When the music was ended, the great guns in the Castle were fired three rounds, and followed by three volleys of small arms from the two regiments on duty in Dublin. About two of the clock his Excellency went to his house, attended by a great many of the nobility and gentry, where an entertainment was provided for them. At six in the evening his Excellency went to the play, and from thence to the Lord Chief Baron Rochfort's to see the fireworks on the Custom-house quay, and on the water. The night concluded with ringing of bells, bonfires, illuminations, and all other demonstrations of joy.

Although a penitential garb might have seemed more appropriate, Phipps displayed again on Ash Wednesday, when proceeding to St. Patrick's Cathedral, the pomp of viceregal office, not only in having the sword of state borne before him by a peer, but also in having a guard of honour of horse, foot, and battle-axes, the Irish

¹ Issue of 1712, Feb. 19-21.

equivalent for beefeaters, and on the anniversary of the Queen's accession, three days later, he held at the Castle another levee, which was preceded by bell-ringing, and followed by salvoes from the great guns and small arms, and bonfires "all about the city."¹

But under the appearance of calm which the account of these state functions conveys, discord was seething. As a friend wrote in the summer to Lord Treasurer Oxford, there were to be seen on one side the adherents of Lord Wharton, "the tutelary god whom the Irish whigs invoked and adored," drinking to the confusion of the ministry, and on the other side Phipps as chancellor using his "wisdom to drive their diabolical principles" out of the country.² With the celebration of the anniversary of William the Third's birthday in November, which was comparable with the celebration of the anniversary of the battle of the Boyne in modern Ireland, the discord came to the surface. According to custom the noble lords and gentlemen, who met to commemorate "the great prince that restored them to all that they then enjoyed," dined together at the Tholsel, and afterwards adjourned to the play-house to see their hero personified in Nicholas Rowe's "Tamerlane." Before the accession of the tory ministry the tragedy had been always preceded by a recitation of Sir Samuel Garth's prologue, but eulogy of William's valour and denunciation of Bourbon perfidy was ill-suited to the policy of the ministry and by order of the Irish government Garth's stirring lines were omitted. On the first occasion, in 1711, owing probably to their being taken by surprise, the audience took no action, but on the present occasion there took place what the government described as "a riot," and the audience as "calling for a prologue," and as a result a gentleman of good family and quality stepped on to the stage

¹ The Supplement, 1712, March 19-21.

² Duke of Portland's MSS., v. 211.

and read the prologue, which was received with "great applause and good liking."

Trifling as the offence was, Phipps had become so impregnated with the Irish atmosphere as to magnify it into treason, and a few weeks later a state trial was launched against the reader of the prologue, Dudley Moore by name, and his abettors. It was the last day of term and confusion reigned in the Queen's Bench. Not a little embarrassed by their obligations to William, Cox and Coote were mainly concerned in insisting on their particular regard for his memory, a sentiment in which their brother, Nutley, is notable by not concurring, and "in the hurry of business and through a mistake," the foreman of the grand jury, who was one of the Dublin aldermen, and who had apparently not recovered from the Tholsel banquet, marked the bill against Moore and his abettors as found, although it had been thrown out.

By fair means and foul, the tories did all they could to defame Moore, and before the bill was sent up to the grand jury the tory organ, *Lloyd's News Letter*, published a ballad in which, without an iota of truth as was afterwards declared by the "brave Dodsworth," it was stated of Moore that :

To show he was rank,
 He openly drank
 Her grandfather's fate to our queen ;
 " If she follow'd his ways,
 " They wou'd shorten her days,"
 Thus he vented his treason and spleen ;
 But Dodsworth the brave,
 Himself did behave,
 Like an honest true subject and tory ;
 Rejected the toast
 Of which he may boast,
 And let it redound to his glory.¹

¹ Dawks's News Letter, 1712, Nov. 20 ; The Flying Post, 1712, Dec. 11-13.

But the inflaming of public opinion against Moore was not left to poetasters, and early in the next year, 1713, the lord mayor and aldermen were summoned before the lords justices and privy council to be admonished as to the heinousness of Moore's offence. As the first lord justice, Phipps was the spokesman. He began by impressing on the civic fathers that they were called there by the command of the queen herself, and by telling them that she had taken notice of the daily dispersal in their city of scandalous and seditious writings, in other words of whig doctrines, and that she expected them to apprehend those responsible, and then went on to make the following reference, remarkable equally for its partiality and its feebleness, to the proceedings impending against Moore :

You are likewise directed by her Majesty to inquire into the fomentors of the late disorders in this city. Your lordship remembers the great riot committed in the Play-house on his late Majesty's birthday, a day that we shall be as ready as any persons in the world to celebrate with all the respect and honour due to the memory of that great prince. But when things are come to that pass that gentlemen think the best way to commemorate his late Majesty is by affronting her present Majesty and insulting her authority ; when gentlemen, whose education should teach them better, shall take upon them, in defiance of authority, to speak a prologue, which has been forbid by the government two years successively, a prologue that sounds an alarm and invites her Majesty's subjects to make war against those with whom her Majesty thinks fit to make peace, and to take up arms to drive the King of Spain out of those dominions, which her Majesty, by her articles of peace, has stipulated he shall enjoy—I say, when gentlemen carry these things to this height, it is time for the government to exert themselves in defence of her Majesty's authority ; for what is this but to rob her Majesty of that part of her prerogative which was always allowed her by the worst of her enemies, the power of making peace and war. This was an offence of that magnitude that we thought it our duty to lay it

before the Queen, and though her Majesty is greatly offended at it, yet she is pleased in judgement to remember mercy, and hath commanded us to single out the most flagrant offender and to prosecute him with the utmost severity of the law, but is graciously pleased to discharge the rest from any further prosecution. We shall be sure to pay obedience to her Majesty's command; and we hope that in this, and in all other cases, where her Majesty is concerned, the sheriffs will take care to return understanding juries that know their duty, and the obligations of an oath, men of such integrity and loyalty as will take care that her Majesty has equal justice with her subjects, and that is all is desired, and it is to be hoped, it will not seem to be hard that her Majesty should expect justice from a city which partakes so liberally of her bounty.¹

Six months later, on the last day of Trinity term, Moore was found for the fourth time before the Queen's Bench. For several days the counsel for the crown, nine in number, had been arguing that the jury should be drawn by an officer of the court instead of by the sheriff, and the counsel for Moore, seven in number, *contra*, and although "the court had acknowledged that the offence objected to him was but a bare trespass and mere frolic," an adjournment to Michaelmas term was decreed, thus adding to "the charge of some hundreds of pounds," already incurred by each side.²

At the same time a prosecution was hanging over the head of the proprietor of the tory organ, Edward Lloyd, for advertising a proposal to reprint a Jacobite life of James the Second, and treatment exactly opposite of that accorded to Moore, was received by him, and on a true bill being found by the grand jury, a *nolle prosequi* was entered. The grounds for that course were debatable. According to the tories they were poverty and

¹ Lords' Journals, Ire., 1713, Dec. 24.

² The Flying Post, 1713, July 28-30; The Arguments of one of the Queen's Council against Mr. Dudley Moore in the Queen's Bench in Trinity Term, 1713.

penitence, and according to the whigs servility to Phipps and willingness to vilify and traduce those unacceptable to him.¹

Besides these cases other proceedings in the courts reflect the circumstances of the time. Especially remarkable are charges of using seditious words. Shortly after Cox's appointment as chief justice of the Queen's Bench, in Hilary term 1712, the son of his predecessor was arraigned before him for speaking words highly reflecting on the queen and her government, but although the grand jury found a true bill against young Brodrick the government did not proceed further with the prosecution.² A year later, in Easter term 1713, a tenant on Lord Wharton's Irish estate was found guilty in the Queen's Bench of uttering dangerous and scandalous words against the queen, and was sentenced to pay a fine of one hundred pounds, to be imprisoned for a year and a day, and to give security for his good behaviour during the remainder of his life.³ While presiding in the same year at the summer assizes in Cork, Cox tried two officers for proposing Jacobite toasts and sentenced them to pay each a fine of one hundred pounds and to be imprisoned for a year.⁴ At the same time a charge was made in county Limerick against a barrister for speaking very seditious and treasonable words.⁵ To the enforcement of the penal laws there is frequent reference. In the autumn of 1712 the titular bishop of Dromore, who had been apprehended in the King's county, and the titular dean of Armagh, as well as a number of other Roman

¹ The Post Boy, 1712, Sept. 29–Oct. 2; The Flying Post, 1712, Dec. 11–12; Swift's Correspondence, ii. 110; The Conduct of the Purse in Ireland, Lond., 1714, p. 23.

² The Supplement, 1712, Jan. 28–30, Feb. 1–4; The Evening Post, 1712, Feb. 23–4.

³ The Post Boy, 1713, June 18–20.

⁴ Marquess of Ormonde's MSS., N.S., viii, 338–42.

⁵ Bodleian MSS., 31758, ff. 69, 70.

Catholic clergy, were awaiting trial.¹ Besides the assize courts were flooded with prisoners by the war that arose in the autumn of 1711 in the west of Ireland against graziers. The principal outrage with which the prisoners were charged was houghing cattle, and the number of beasts that were rendered worthless and had to be destroyed was so enormous that no more than a shilling could be obtained for a carcass.² In some cases the perpetrators of the outrages wore "shirts or white frocks over their clothes to prevent description," and thus originated a custom, which led in later agrarian revolts to the participators being called whiteboys.³ With the aid of a captain of the houghers as informer, a number of convictions were obtained at Galway spring assizes in 1712, and a lieutenant of the houghers was hanged and quartered, and three of the rank and file were hanged.⁴ Afterwards a special commission to try prisoners in the counties of Galway and Mayo was issued to Chief Justice Doyne and Baron Johnson, who were provided with a guard of horse and foot soldiers, and amongst those convicted were a man and woman who had murdered the dean of Tuam.⁵

The declaration of peace in the spring of 1713 gave Phipps three opportunities for state display, when the news reached Dublin, when proclamation was made, and when thanksgiving was offered. On the day the news was received the rejoicing was, however, not so unanimous as Phipps desired, for we read in *The Post Boy*,⁶ that although in the "honest parts" of Dublin the evening concluded with bonfires and illuminations, in the whig parts, which as "ill weeds grow apace," were numerous, there was "no manner of rejoicings to be

¹ *The Flying Post*, 1712, Oct. 7-9.

² Bodleian MSS., 31758, f. 15.

³ *The Evening Post*, 1712, March 20-2.

⁴ *The Supplement*, 1712, April 23-5.

⁵ Bodleian MSS., 31758, f. 36; *The Supplement*, 1712, July 7-9.

⁶ April 21-3.

seen, not a bonfire made, not a candle in a window, but all in darkness and sorrow," whereas formerly "those dark saints" used to endanger their own and their neighbours' houses by the large bonfires that they made upon news that "the Dutch had got a town, at the expense of English blood and treasure." Owing to the illness of his colleague in the government, Phipps was alone on Thanksgiving Day, and proceeded in solitary state to Christ Church Cathedral, attended by peers, privy councillors, and judges, and preceded by the queen's trumpeters and kettle-drummers in "very rich new clothes." As soon as the sermon was ended, the company dined with him and afterwards accompanied him to the theatre, where a musical interlude called "Peace Triumphant" was performed, and to the fireworks which were again exhibited on the river.¹

Meantime conflict had begun again between the privy councillors and the aldermen of Dublin as to the choice of the chief civic officer. The conflict now turned on a legal point, namely whether the aldermen were restricted in the election to a select list of those names drawn up by the lord mayor in office, for in the previous year, after only one rejection a sound tory had slipped into office. In the words of one of his own party, he was "an honest, loyal, and worthy son of the church as by law established, and a good father of the city who gave great satisfaction to the loyalists, and on the other hand was as great a prosecutor of the whigs and their black hellish designs," and he was no less determined than the government to prevent "a son of sedition" succeeding him. When the day of election came round in April, he nominated in accordance with the practice, the three senior aldermen below the cushion, the first and second being tories and the third "a grand whig." Contrary to custom

¹ The Post Boy, 1713, June 27-30; cf. Brit. Mus. Add. MSS., 28935, f. 23.

the aldermen chose the last, and the privy councillors promptly disapproved of him. After a breathing-time the lord mayor submitted a fresh list containing the names of none but tories, the first being that of an alderman above the cushion and the second and third two senior aldermen below the cushion, but the whig aldermen being "five of that stamp to one loyalist," refused to vote on the list prepared by the lord mayor, and on his leaving the chair held a meeting without him and chose a whig to succeed him.¹ Having gained the support of the privy council, who refused to recognize the irregular meeting, and upheld his right of nomination, the lord mayor made three more attempts to get the aldermen to elect from a list prepared by him, but the only candidate whom they would accept was disapproved by the privy council, and when Michaelmas day came round Dublin was without a lord mayor.²

By the whigs, the whole responsibility was laid upon Phipps. They admitted that many in influential positions were equally zealous for tory ascendancy, but they held that without his leadership they would have been of no account, and, which was hardly true, that until he came the distinction was Protestant and Roman Catholic, and not whig and tory, and high church and low church.³ So strong was the feeling against him in the summer that when it was reported that the Duke of Shrewsbury was to succeed Ormond as viceroy, it was rumoured also that he had refused to go unless Phipps and Nutley, who was regarded rightly as Phipps's creature, were removed.⁴

From that time until Anne died in the summer of

¹ The Post Boy, 1713, June 18-20.

² The Daily Courant, 1713, Sept. 23, Oct. 16; The Post Boy, 1713, Oct. 3-6; cf. Commons' Journal, Ire., vol. iii, pt. ii, p. lxxviii et seq.

³ The Conduct of the Purse in Ireland, Lond., 1714, p. 19.

⁴ Butler to Dawson, 1713 Aug. 4, formerly preserved in Pub. Rec. Off. Ire.

1714, pandemonium existed in Ireland, and by the whigs Phipps was held to be the cause. During the four weeks that the Irish parliament was in session under Shrewsbury, Phipps was the pivot on which every debate revolved. By the house of commons, where the whigs had a good majority, he was held up to execration as a tyrant and a traitor, and by the house of lords, where the tories dominated the proceedings, he was applauded as a saviour and a benefactor. The provincialism of the Irish parliament was never more apparent. The commons rested their case against Phipps on his proceedings in regard to Moore and Lloyd, and on his failure to apprehend a musician, who had been lately in France, and the lords threatened with dire penalties an unfortunate individual who had whispered to a child of three years of age that Phipps was a canary-bird and ought to be hanged for setting Ireland by the ears.¹

One of Shrewsbury's instructions was to terminate the conflict between the privy councillors and the Dublin aldermen, but in every attempt he was frustrated by Phipps, and finally the matter was transferred for settlement to England. Thus, by Phipps's means, according to whig opinion, Dublin was left without a chief magistrate, and as the election of sheriffs was involved, the utmost disorder prevailed. Creditors could not recover debts, writs could not be executed, criminals could not be hanged, abuses as to food could not be corrected, and the peace could not be kept.²

¹ Lords' and Commons' Journals, Ire., 1713, passim.

² The Conduct of the Purse in Ireland, Lond., 1714, p. 26.

SUCCESSION

OF THE

CHANCELLORS, MASTERS OF THE ROLLS, CHIEF JUSTICES
AND JUSTICES OF THE KING'S OR QUEEN'S BENCH,
CHIEF JUSTICES AND JUSTICES OF THE COMMON PLEAS,
AND CHIEF BARONS AND BARONS OF THE EXCHEQUER
APPOINTED TO THE JUDICIAL BENCH IN IRELAND FROM
THE BATTLE OF THE BOYNE TO THE REIGN OF ANNE,
1690-1714

CHANCELLORS

- 1690. Charles Porter, knight.
- 1697. John Methuen.
- 1703. Richard Cox, baronet.
- 1707. Richard Freeman.
- 1710. Constantine Phipps, knight.

MASTERS OF THE ROLLS

- 1690. William Temple, baronet.
- 1696. William Berkeley, baron.

CHIEF JUSTICES OF THE KING'S OR QUEEN'S BENCH

- 1690. Richard Reynell, baronet.
- 1695. Richard Pyne, knight.
- 1709. Alan Brodrick.
- 1711. Richard Cox, baronet.

JUSTICES OF THE KING'S OR QUEEN'S BENCH

- 1690. John Lyndon, knight.
- 1690. Richard Stephens, knight.
- 1692. Henry Echlin, knight.

1693. Hon. Thomas Coote.
 1699. Hon. Robert Tracy.
 1701. James Macartney.
 1711. Richard Nutley.

CHIEF JUSTICES OF THE COMMON PLEAS

1691. Richard Pyne, knight.
 1695. John Hely, knight.
 1701. Richard Cox, knight.
 1703. Robert Doyne.

JUSTICES OF THE COMMON PLEAS

1690. Richard Cox, knight.
 1690. John Jeffreyson, knight.
 1700. John Smith.
 1701. Gilbert Dolben, baronet.
 1702. Anthony Upton.

CHIEF BARONS OF THE EXCHEQUER

1690. John Hely, knight.
 1695. Robert Doyne.
 1703. Nehemiah Donnellan.
 1706. Richard Freeman.
 1707. Robert Rochfort.

BARONS OF THE EXCHEQUER

1690. Standish Hartstonge, baronet.
 1690. Henry Echlin, knight.
 1692. Richard Ryves, knight.
 1693. Henry Echlin, knight.
 1695. Nehemiah Donnellan.
 1703. Robert Johnson.

CATALOGUE

OF THE

CHANCELLORS, MASTERS OF THE ROLLS, CHIEF JUSTICES
AND JUSTICES OF THE KING'S OR QUEEN'S BENCH,
CHIEF JUSTICES AND JUSTICES OF THE COMMON PLEAS,
AND CHIEF BARONS AND BARONS OF THE EXCHEQUER
APPOINTED TO THE JUDICIAL BENCH IN IRELAND FROM
THE BATTLE OF THE BOYNE TO THE REIGN OF ANNE,
1690-1714

1690 **Richard Cox, baronet ;**

was only son of Richard Cox, captain of dragoons, a member of a family that migrated from Wiltshire to Cork co., and Catherine, daughter of Walter Bird, sometime sovereign and recorder of Clonakilty ; was born in Bandon 1650 ; lost his parents in infancy ; resided for a time with his maternal grandfather, and afterwards with his maternal uncle, John Bird, seneschal to the Earl of Burlington ; was educated at Bandon and Clonakilty ; began to practise as an attorney in his uncle's court 1668 ; went to England in the train of the Earl of Burlington 1671 ; entered Gray's Inn same year ; became assistant to the reader 1673 ; acquitted himself with such credit that he was then called to the bar ; returned to Ireland in the opening days of 1674 ; married Mary, daughter of John Bourne of Carberry six weeks later ; joined the King's Inns in the following winter ; resided then at Clonakilty ; appears as chairman of quarter sessions at Bandon 1679 ; was elected recorder of Kinsale 1680 ; appears residing in Cork 1685 ; wrote then a description of Cork city and county and was collecting material for a history of Ireland ; went to England in the spring of 1687 ; resided at Bristol and practised there as a barrister ; became intimate with Sir Robert Southwell who was then residing at King's Weston near Bristol ; issued "Aphorisms relating to the Kingdom of Ireland, humbly

submitted to the Most Noble Assembly of Lords and Commons at the great Convention at Westminster 1689"; published also his "Hibernia Anglicana, or The History of Ireland from the Conquest thereof by the English to this Present Time," in two parts, 1689-90; became secretary to Sir Robert Southwell, on his appointment as secretary of state for Ireland, and accompanied him to that country 1690; became recorder of Waterford after the battle of the Boyne; was appointed second justice of the Common Pleas before King William left Ireland; rendered legal assistance in the government of Ireland that autumn; sat then as sole judge in the court of Common Pleas and went on commissions of gaol delivery to Ardee and Drogheda, and to Cork, Waterford, and Wexford; went as justice of assize to Cork and Waterford in the spring of 1691; acted as governor of the city and county of Cork during the summer; raised a large military force and directed its operations; acted again as justice of assize in Cork and Waterford that autumn; celebrated General Ginkel's success in verse; appears as a tory in politics; became deputy-governor of the royal fishery company of Ireland early in 1692; was admitted to the privy council in the spring; went as justice of assize in Munster in the spring and summer; organized the militia there during the latter season; appears in attendance on the house of lords during the autumn; was knighted by the lord lieutenant after the prorogation; read before the Dublin Philosophical Society a geographical description of cos. Derry and Antrim in the spring of 1693; visited London subsequently; went on his return as justice of assize on the north-west circuit; appears as owner of Dunmanway which was then constituted a manor; resided in Dublin in George's-street; went on a commission of oyer and terminer to Waterford in the opening days of 1694; was appointed a commissioner to administer the forfeitures a month later; went as justice of assize in Leinster in the spring and summer of that year; was removed from the privy council 1695; went as justice of assize in Connaught both in the spring and summer; appears in attendance also on the house of lords that year; went as justice of assize in Munster in the spring of 1696; visited London and Bath subsequently; went as justice of assize on the north-west circuit on his return; wrote verses on the death of Lord

Chancellor Porter 1697 ; went as justice of assize in Munster in the spring and in Leinster in summer ; became also head of a commission for the management of the Duke of Ormond's estates and appears in attendance upon the house of lords that year ; was then an advocate for a legislative union with England ; went as justice of assize in Leinster in the spring and summer of 1698 ; appears in attendance also on the house of lords ; published " An Essay for the Conversion of the Irish, showing that 'tis their duty to become Protestants," and " Some Thoughts on the Bill depending before the Right Honourable the House of Lords for prohibiting the Exportation of the Woollen Manufactures of Ireland to Foreign Parts " ; went as justice of assize in Munster in the spring and in Connaught in the summer of 1699 ; announced the birth of his twenty-first child in that year ; went as justice of assize in Munster in the spring and on the north-west circuit in the summer of 1700 ; went as justice of assize in Munster in the spring of 1701 ; was appointed subsequently chief justice of the Common Pleas ; went as justice of assize in Leinster in the summer ; went as justice of assize in Munster in the spring and in Connaught in the summer of 1702 ; went as justice of assize in Connaught in the spring of 1703 ; was summoned while on that circuit to London for a conference ; returned and went in the summer again as justice of assize to Connaught ; was appointed afterwards chancellor ; presided as speaker in the house of lords in the autumn ; was presented with the freedom of Dublin that winter ; acted as a lord justice 1704 ; proposed the establishment of a registry of deeds ; became a bencher of Gray's Inn 1705 ; presided as speaker in the house of lords same year ; was then residing at Palmerston near Dublin ; acted as a lord justice 1705-7 ; was created a baronet 1706 ; refused to allow the place of a lord justice to be filled by election in the opening weeks of 1707 ; was unwell in the spring ; was forced to surrender the chancellorship in the summer ; was afterwards censured by the house of commons for his conduct in regard to the vacancy in the office of a lord justice ; went on a visit to England in the autumn ; published " An Address to those of the Roman Communion in England, occasioned by the late Act of Parliament for the further preventing the growth of Popery, recommended to those of the Roman

Communion in Ireland upon a late like occasion" 1709; went to England again in the autumn of 1710; was thought likely then to be once more chancellor; was ill in the winter; remained in England until the summer of 1711; was appointed then chief justice of the Queen's Bench in Ireland; appears afterwards in attendance on the house of lords; published "An Enquiry into Religion, and the Use of Reason in Reference to it" in that year; expressed during a trial in the Queen's Bench his particular regard for the memory of King William 1712; tried and sentenced two officers for Jacobite speeches in Cork at the summer assizes of 1713; appears in attendance on the house of lords in that year; took a prominent part in the conflict between the government and the aldermen of Dublin as to the election of mayor and sheriffs and signed reports which were afterwards held to have been misleading 1713-14; was superseded as chief justice after the accession of George I in 1714; lost his wife 1715; was held by the house of commons to have acted in a trial in the Queen's Bench contrary to his oath and duty as a judge 1715; gave evidence before a committee of that house as to the conflict with the aldermen of Dublin 1716; said that he had tried to effect an accommodation; was held by the house to have acted partially and corruptly; wrote from Dunmanway that he was at death's door at the close of 1732; died in a few months in 1733; was buried at Dunmanway; left issue and was succeeded by his grandson. [Dict. Nat. Biog.; Autobiography.]

1690 Henry Echlin, knight;

was second son of Robert Echlin of Ardquin in co. Down, and Mary, daughter of Henry Leslie, bishop of Meath, and was great-grandson of Henry Echlin, bishop of Down and Connor; was born 1652; appears as a clerk in the court of claims 1665; matriculated in Dublin University 1667; appears as a semi-scholar same year and scholar 1668; practised sometime as an attorney; entered Lincoln's Inn 1672; joined the King's Inns 1677; married Agnes, daughter of the Rev. William Mushett of Belfast same year; was appointed third serjeant 1683; went to England with his wife and three children before the Revolution 1688; appears again in Ireland 1690; was appointed then second

baron of the Exchequer; appears as a tory in politics; was transferred to the King's Bench as third justice early in 1692; appears in attendance on the house of lords in the autumn; was knighted by the lord lieutenant after the prorogation; was acting then on a commission as to estates of persons in France; was reappointed second baron of the Exchequer early in 1693; appears in constant attendance on the house of lords 1695; answered then a complaint as to his requiring a bishop to be sworn when giving evidence in the Exchequer; appears in attendance again on the house of lords 1697-8; was mentioned as owner of a large and curious library 1698; proceeded master of arts 1703; applied unsuccessfully for promotion to the chief seat in the Exchequer 1706; visited London to press his claim; was said then to be infirm; went generally as justice of assize in Ulster; signed reports on the conflicts between the government and the aldermen of Dublin 1713-14; was superseded after the accession of George I in 1714; gave evidence before a committee of the house of commons as to the conflict with the aldermen of Dublin 1716; said that he had relied on the drafter of the reports and that he had not been let into the secret of those times and had been apprehensive of removal from the bench; was created a baronet 1721; resided in Dublin sometime in Winetavernstreet, and afterwards in St. Mary's Abbey, and in the country at Rush in co. Dublin; died 1725; was buried in Dublin in St. John's Church; left issue and was succeeded by his grandson. [Burke's *Vicissitudes of Families*, 1869, ii. 65-70.]

1690 John Hely, knight;

was eldest son of James Hely of London; entered Lincoln's Inn 1670; was called to the bar 1679; married Meliora, daughter of Ferdinando Gorges of Eye in Herefordshire; was appointed chief baron of the Irish Exchequer in the autumn of 1690; owed his appointment to his wife's brother-in-law, the future Earl Coningsby, then a lord justice of Ireland; went to Ireland early in 1691; became a commissioner for revenue appeals; joined the King's Inns; appears in attendance on the house of lords 1692; was knighted by the lord lieutenant after the prorogation; resided in Dublin in Stephen's-street and in the country at

Ballygall near Finglas; became a member of the Dublin Philosophical Society 1693; was appointed chief justice of the Common Pleas 1695; acted in place of the chancellor as speaker of the house of lords 1696-7; became a bencher of Lincoln's Inn 1699; appears as in weak health same year; died while holding the spring assizes at Ennis 1701; left issue.

1690 Richard Stephens, knight;

was eldest son of Richard Stephens of Wexford; entered Lincoln's Inn 1658; joined the King's Inns 1663; elected member for Ardee 1665; attained to large practice at the Irish bar; was sometime recorder of Waterford and of Clonmel; was recommended to Charles II by the Duke of Ormond at the time of the alleged popish plot 1679; appears in alliance with the Earl of Shaftesbury in the summer of that year; received knighthood then from the king at Portsmouth; sought unsuccessfully to purchase the mastership of the rolls from Sir William Temple; aspired to be solicitor-general; was recommended unsuccessfully for the place of chief baron early in 1680; became then a barrister of Lincoln's Inn; went back to Ireland subsequently as third serjeant; was sent back to England on revenue business later in that year; was mentioned afterwards as a candidate for a seat in the English parliament; became second serjeant in the spring; appears in Ireland in the summer; went the north-west circuit as justice of assize; applied unsuccessfully for office of a commissioner of appeals in the revenue 1682; was removed from the office of serjeant on the ground of nonconformity later in that year; appears in England at the time of the Revolution 1688; was appointed third justice of the King's Bench in the autumn of 1690; was still in England in the summer of 1691; died 1692; was married.

1690 John Jeffreyson, knight;

was eldest son of John Jeffreyson of Durham, mercer, and Margaret, daughter of Hugh Walton, alderman of that city; was born 1635; appears at school at Guisborough in Yorkshire; entered Gray's Inn 1651; matriculated in Cambridge University from St. John's College 1652; was called to the bar 1661; was admitted to the Mercers' Company

1663; married at Gateshead Elizabeth, youngest daughter of James Cole of Gateshead 1664; became an ancient of Gray's Inn 1676; was elected recorder of Durham 1679; became a bencher of Gray's Inn 1682; was enrolled as a serjeant 1683; appears as a tory in politics and a friend of Bishop Cartwright 1686; went to Ireland as third justice of the Common Pleas in the winter of 1690; joined the King's Inns 1691; appears in attendance on the house of lords 1692; was knighted by the lord lieutenant after the prorogation; became a member of the privy council 1693; went with Sir Richard Cox on a commission of oyer and terminer to Waterford in the opening days of 1694; was removed from the privy council 1695; appears in attendance on the house of lords that year; acted as a commissioner of the great seal 1697; became then again a privy councillor; appears in attendance upon the house of lords later in that year; died 1700; was buried in Dublin in St. Peter's Church; left issue. [Surtees' Durham, iv. 156.]

1691 Richard Pyne, knight;

was fourth son of Nicholas Pyne of Mogeely in co. Cork; was born 1644; matriculated in Oxford University from Queen's College 1662; entered the Middle Temple same year; was called there to the bar 1669; joined the King's Inns 1674; became one of the king's counsel 1685; was in politics a whig; became counsel to the revenue commissioners 1686; was reported to have fought a duel with Justin McCarthy, which was denied 1688; was nominated as a justice of oyer and terminer in Ulster, in the spring of 1690; became first commissioner of the great seal after the battle of the Boyne; went on a commission of gaol delivery with Sir Richard Cox to Cork, Waterford, and Wexford in the winter; was then nominated as second serjeant; was appointed chief justice of the Common Pleas early in 1691; visited London in the summer of that year; appears as owner of Waterpark in co. Cork 1692; appears in attendance on the house of lords in the autumn; was knighted by the lord lieutenant after the prorogation; was acting then on a commission as to the estates of persons in France and was sent as a commissioner of oyer and terminer to co. Wicklow; was appointed chief justice of the King's Bench 1695; appears in attendance on the house of lords in that year;

dissented from the other judges in an ecclesiastical suit 1696; appears in attendance on the house of lords 1697; visited Bath for his health 1702; appears in attendance on the house of lords 1703-4 and 1707; received the freedom of Dublin in the latter year; went to England 1708; returned to Ireland in the spring of 1709; appears again in England in the autumn; was then resident at Ashley near Walton in Surrey; died there at the close of that year; was related by an early marriage to Sir George Norton of Abbotsleigh, the preserver of Charles II; left issue.

1692 Richard Ryves, knight;

was eldest son of Charles Ryves, examiner in Chancery, and Jane Ogden, and was grandson of Sir William Ryves; was born in Dublin 1643; matriculated in Dublin University 1657; entered the Middle Temple 1663; was called there to the bar 1669; returned to practise in Ireland; was elected recorder of Kilkenny 1671; sought unsuccessfully recordership of Londonderry; married in St. Audoen's Church, Dublin, Mary, eldest daughter of Valentine Savage 1673; was elected recorder of Dublin 1680; visited England for his health later in that year; was knighted by the lord lieutenant 1681; resided then in Dublin in St. Michael's-lane; was appointed second serjeant 1683; visited England 1685 and 1686; went as justice of assize in Ulster 1682-6; was removed from office of recorder and serjeant 1687; went to England after the Revolution 1688; was nominated as a justice of oyer and terminer in Ulster in the spring of 1690; became second commissioner of the great seal after the battle of the Boyne; represented his inability to act as recorder through his other duties and infirmity of health; was nominated as first serjeant, and became second serjeant 1690-1; proceeded doctor of laws; visited England 1691; went as justice of assize in the spring and summer of that year; was appointed second baron of the Exchequer 1692; resided then in Dublin in Capel-street; died in the opening days of 1693. [The Irish Builder, 1888, p. 140.]

1693 The Honourable Thomas Coote;

was third son of Richard, Lord Coote of Coloony, and Mary, daughter of Sir George St. George, and was brother of Richard, Earl of Bellamont; appears as heir of his uncle

Colonel Thomas Coote of Cootehill in co. Cavan 1671 ; was left specially books by his uncle ; married Frances, daughter and co-heir of Colonel Francis Copley ; had by her a son ; married as a second wife Elinor daughter and co-heir of Sir Thomas St. George of Woodford in Essex ; had by her a son born in Essex 1679 ; married as a third wife in St. John's Church, Dublin, Anne, daughter of Christopher Lovett of Dublin, alderman, and widow of William Tighe 1680 ; entered the Middle Temple 1683 ; returned to Ireland as one of the king's counsel 1684 ; joined the King's Inns same year ; appears in England at the time of the Revolution 1688 ; was proposed then as a messenger to Ireland, but was not sent ; applied for office in the English Exchequer 1689 ; visited Tunbridge Wells in the summer of that year ; was proposed for call to the bar in the Middle Temple 1690 ; received a pass to Ireland after the battle of the Boyne ; was elected recorder of Dublin in the autumn of that year ; became member for Dublin 1692 ; resided in Dublin in Smithfield and in the country at Cootehill in co. Cavan ; was appointed third justice of the King's Bench 1693 ; appears in attendance on the house of lords 1695 ; acted as a commissioner of the great seal 1697 ; became second justice of the King's Bench 1699 ; was mentioned as a book-buyer in that year ; appears in attendance on the house of lords 1703-5 ; delivered a charge to the grand jury of Dublin against seditious publications 1705 ; was supposed to have aimed at a tory club, but had in view publications emanating from Scotland ; appears in attendance on the house of lords 1707, 1709, 1710 ; visited London owing to apprehension of removal from the bench and sought a testimony from Swift as to the soundness of his political principles 1711 ; signed report on the conflict between the government and the aldermen of Dublin 1713-14 ; was superseded after the accession of George I in 1714 ; gave evidence before a committee of the house of commons as to the conflict with the aldermen of Dublin 1716 ; said that he had not acted officiously and pleaded that all men were liable to make mistakes ; became knight of the shire for co. Monaghan 1723 ; published " Instructions for Cultivating and Raising Flax and Hemp " 1724 ; failed to secure return to parliament 1727 ; was again elected knight of the shire for co. Monaghan 1733 ; died at Cootehill 1741 ; left issue and

was grandfather of Charles, Earl of Bellamont. [Lodge's *Peerage*, iii. 215.]

1695 Robert Doyne ;

was eldest son of Michael Doyne of Dublin, an ancestor of the family seated at Wells in co. Wexford ; was born 1651 ; matriculated in Dublin University 1667 ; entered Lincoln's Inn 1670 ; joined the King's Inn 1677 ; married Jane, daughter of Henry Whitfield member for Trim, and widow of Joseph Saunders 1684 ; became one of the king's counsel 1690 ; was returned as member for New Ross 1692 ; became chief baron of the Exchequer 1695 ; appears in attendance on the house of lords 1695, 1697 ; was suggested as chancellor 1696 ; became chief justice of the Common Pleas 1703 ; appears in attendance on the house of lords 1703, 1705 ; went on a special commission of oyer and terminer to cos. Galway and Mayo 1712 ; lost his wife same year ; appears in attendance on the house of lords 1713 ; signed reports on the conflict between the government and the aldermen of Dublin 1713-14 ; was superseded after the accession of George I, 1714 ; gave evidence before a committee of the house of commons as to the conflict with the aldermen of Dublin 1716 ; said that it was his place, not his inclination that had brought him into the dispute, and that he relied on others as to the facts ; was held by the house of commons to have acted partially and corruptly ; resided in Dublin on Ormond's-quay ; died there 1733 ; was buried in Dublin in church of St. Nicholas Within. [The Irish Builder, 1890, p. 260.]

1695 Nehemiah Donnellan ;

was third son of Sir James Donnellan, and Sarah, daughter of Jonah Wheeler, bishop of Ossory ; was born in Dublin 1649 ; was given a commission as an ensign in a foot regiment 1662 ; matriculated in Dublin University as a fellow-commoner 1666 ; entered the Middle Temple 1669 ; appears as a student there 1671 ; was fined then for breaking open the doors of the hall, parliament chamber, and kitchen, and for setting up a gaming Christmas ; went to practise at the Irish bar ; was appointed a commissioner of appeals in revenue cases 1677 ; appears as a widower at the time of the Revolution 1688 ; went to England then with his mother

and two children; was called to the bar in the Middle Temple 1689; returned to Ireland as one of the King's counsel 1690; was appointed prime serjeant 1692; became member for Galway same year; was elected recorder of Dublin 1693; married Martha, daughter of Christopher Ussher 1694; was appointed third baron of the Exchequer 1695; appears in attendance on the house of lords 1695, 1697; acted as a commissioner of the great seal 1697; became then a privy councillor; was granted a fourth part of lands to which he had discovered the crown had title same year; was suggested as a desirable addition to the English bench 1700; became chief baron 1703; appears in attendance on the house of lords same year; resided in Dublin in William-street; died 1705; left issue, including a daughter, Anne, who founded the Donnellan lectures in Trinity College, Dublin. [The Irish Builder, 1887, p. 202.]

1696 William Berkeley, Lord Berkeley of Stratton;

was third son of John, Lord Berkeley of Stratton, sometime lord lieutenant of Ireland, and Christian, daughter and heir of Sir Andrew Riccard, president of the East India Company; entered the Inner Temple 1686; married Frances, youngest daughter of Sir John Temple, sometime attorney-general for Ireland, and niece of Sir William Temple; was called to the bar in the Inner Temple 1695; was appointed, on the resignation of his wife's uncle, master of the rolls 1696; received licence to embark at Chester for Ireland in the summer of that year; discharged the duties of the office by deputy; succeeded to peerage as the fourth holder 1697; lost his wife 1707; became chancellor of the duchy of Lancaster 1710 and first commissioner of trade 1714; resigned office of master of the rolls 1731; died at Bruton in Somersetshire 1741.

1697 John Methuen;

was eldest son of Paul Methuen of Bradford in Wiltshire, cloth manufacturer, and Grace, daughter of John Ashe of Freshfort in Somersetshire; was born 1650; matriculated in Oxford University from St. Edmond's Hall 1665; entered the Inner Temple 1667; married Mary, daughter of Seacole Chevers of Comerford in Wiltshire 1672; was called to the bar in the Inner Temple 1674; became a master-in-chancery

in England 1685; was elected then an associate bencher in the Inner Temple; became on petition member for Devizes 1690; retained that seat and the mastership-in-chancery until his death; appears as a whig in politics; was sent as envoy to Portugal 1691; became a commissioner of trade 1696; went to Ireland as chancellor in the summer of 1697; presided as speaker in the house of lords in the autumn; was then in very bad health; returned to England in the winter; went to Ireland in the summer of 1698; presided again as speaker in the house of lords 1698–9; returned to England in the winter of 1699; went to Ireland in the summer of 1700; returned to England again early in 1701; went to Ireland in the summer; left Ireland finally in the winter; went again as envoy to Portugal 1702; was superseded as chancellor 1703; became ambassador to Portugal in that year; died at Lisbon 1706; was buried in London in Westminster Abbey; left issue. [Dict. Nat. Biog.]

1699 The Honourable Robert Tracy;

was fifth son of Robert, second Viscount Tracy of Rathcoole in co. Dublin, and Dorothy, daughter of Thomas Cocks of Castleditch in Hertfordshire; was born at Toddington in Gloucestershire 1655; matriculated in Oxford University from Oriel College 1672; entered the Middle Temple 1673; was called there to the bar 1680; went to Ireland as a justice of the King's Bench 1699; joined then the King's Inns; was transferred to the English bench as a baron of the Exchequer in the autumn of 1700; became then a serjeant; was transferred to the court of Common Pleas in England 1702; acted as a commissioner of the great seal there 1710, 1718; retired from the bench in 1726; died at Coscomb in Gloucestershire 1735; was buried in that shire at Didbrook; married Anne, daughter of William Dowdeswell of Pull Court in Worcestershire and left issue. [Dict. Nat. Biog.; Foss's Judges.]

1700 John Smith;

was son of Roger Smith of Frowlesworth in Leicestershire; was born 1657; matriculated in Oxford University from Lincoln College 1676; entered Gray's Inn 1678; was called to the bar there 1684; became a serjeant 1700; went to

Ireland as a justice of the Common Pleas 1701 ; joined the King's Inns same year ; was transferred to the English bench as a baron of the Exchequer 1702 ; went after the union with Scotland to establish a court of Exchequer in that country, and became chief baron there 1708 ; held office in England and Scotland until his death ; died 1726 ; endowed an hospital for widows at Frowlesworth. [Dict. Nat. Biog. ; Foss's Judges.]

1701 James Macartney ;

was eldest son of George Macartney, surveyor-general of Ulster and an ancestor of Lord Macartney, and Jane, daughter of St. Quintin Calderwood of Belfast ; was born 1651 ; entered the Middle Temple 1671 ; joined the King's Inns 1677 ; married Frances, daughter of Sir Anthony Irby of Boston in Lincolnshire ; lost her 1684 ; married as his second wife, Alice, daughter of Sir James Cuffe of Ballinrobe ; appears in Belfast 1689 ; was elected member for Belfast 1692, 1695 ; appears as a whig in politics ; was appointed second justice of the King's Bench 1701 ; appears in attendance on the house of lords 1703-5, 1707 ; tried women for witchcraft and charged for conviction at Carrickfergus at the spring assizes of 1711 ; was superseded on account of his political opinions later in that year ; became member for Longford 1713 ; was appointed successively second justice of the King's Bench and third justice of the Common Pleas after the accession of George I, 1714 ; attended on the house of lords 1715-17 ; received from Dublin University degree of doctor of laws *honoris causa* 1718 ; was suggested as chief justice of the Common Pleas 1720, 1724 ; lost his second wife 1725 ; resided in Dublin in Capel-street ; went generally as justice of assize in Ulster ; retired from the bench 1726 ; appears in London residing in Albemarle-street 1727 ; died there later in that year ; left issue. [Lodge's Peerage, vii. 90.]

1701 Gilbert Dolben, baronet ;

was eldest son of John Dolben, archbishop of York, and Catherine, daughter of Ralph Sheldon of Stanton in Derbyshire and sister of Gilbert Sheldon, archbishop of Canterbury ; was born 1658 ; appears at Westminster School ; matriculated in Oxford University from Christ Church

1674; was called to bar in the Inner Temple 1680; married Anne, eldest daughter of Tanfield Mulso of Finedon in Northamptonshire in 1683; was elected member for Ripon 1685, and for Peterborough 1689; appears as a tory in politics; argued in the Convention that James had voluntarily demised the crown; was re-elected for Peterborough 1690, 1695; appears then residing at Finedon; assisted Dryden in publishing his translation of Virgil 1697; failed to secure re-election for Peterborough 1698; was re-elected 1701; went to Ireland as third justice of the Common Pleas that year; joined the King's Inns; appears afterwards spending each year partly in England to discharge parliamentary duties and partly in Ireland to discharge judicial duties; became a baronet 1704; appears in attendance on the Irish house of lords 1705; became a bencher of the Inner Temple 1706; was re-elected for Peterborough 1708; acted as reader in the Inner Temple same year; appears in attendance on the Irish house of lords 1709; was elected for Yarmouth in the Isle of Wight 1710; was proposed as chairman of committees same year; appears residing in London in Queen-street 1712; became chairman of committees 1714; sought transfer to the English bench same year; took no part in the conflict between the government and the aldermen of Dublin and was the only judge on the Irish bench not superseded on the accession of George I; appears in attendance on the Irish house of lords 1715-16; was said to have had a great increase of riches in the South Sea Company 1720; resigned his seat in the Irish bench same year; acted as treasurer of the Inner Temple 1721; died at Finedon 1722; left issue. [Dict. Nat. Biog.]

1702 Anthony Upton;

was second son of John Upton of Hadley in Middlesex, and Jane, daughter of Sir John Lytcott of Molesey in Surrey; was born 1656; matriculated in Oxford University from Trinity College 1671; entered Lincoln's Inn 1672; graduated at Oxford as bachelor of arts from All Souls 1674; proceeded master of arts 1678; was called in Lincoln's Inn to the bar 1683; went to Ireland as a justice of the Common Pleas 1702; had a contest with Dolben as to precedency 1703; appears in attendance on the house of lords 1703,

1705; resided in the country at Monkstown near Dublin; entertained there Dr. William King, who celebrated the judge's household in his poem entitled "Mully of Mountown"; tried women for witchcraft with Macartney at Carrickfergus and charged for acquittal 1711; visited England 1712; signed reports on the conflict between the government and the aldermen of Dublin 1713-14; was superseded after the accession of George I; returned to the English bar; put an end to his life while delirious from fever by cutting his throat in Gray's Inn 1718.

1703 Robert Johnson;

was eldest son of the previous Robert Johnson; was born about 1657; was admitted at the special request of his grandfather to the Inner Temple, 1664; matriculated in Dublin University as a fellow-commoner 1671; joined the King's Inns 1677; married Margaret, daughter of Sir Richard Dixon of Calverstown in co. Kildare 1681; became member for Trim 1695, and for Athboy 1703; appears as a tory in politics; was appointed third baron of the Exchequer 1703; appears in attendance on the house of lords 1705, 1707, 1709; was a frequent correspondent of the Duke of Ormond during those years; went on a special commission of oyer and terminer to cos. Galway and Mayo in the summer of 1712; spoke strongly against Jacobitism at Galway in the spring of 1713; attended on the house of lords that year; signed reports on the conflict between the government and aldermen of Dublin; was superseded after the accession of George I; was examined before a committee of the house of commons as to the conflict with the aldermen of Dublin 1716; acknowledged that the reports were misleading and expressed the opinion that the proceedings against the aldermen were carried on in the interest of the Pretender; was said by many witnesses to have been always true to the Hanoverian succession; was recommended unsuccessfully for reappointment to the bench 1721; died 1730; had issue, including a daughter who married Chief Justice Levinge.

1706 Richard Freeman;

was eldest son of John Freeman of Batsford in Gloucestershire, and Anne Croft; was born 1646; matriculated in Oxford University from Christ Church 1661; entered the

Middle Temple 1670 ; was called there to the bar 1674 ; married Elizabeth, daughter of Sir Anthony Keck, sometime a commissioner of the great seal in England 1694 ; was mentioned as eligible for the Irish chancellorship 1697 ; became a bencher of the Middle Temple 1700 ; acted as reader 1704 ; married as his second wife, Anne, daughter of Richard Marshall of Selaby in co. Durham ; appears as a whig in politics ; went to Ireland as chief baron of the Exchequer 1706 ; joined the King's Inns same year ; was appointed chancellor 1707 ; acted as speaker in the house of lords in that year ; received then the freedom of Dublin ; acted as a lord justice 1708-9 ; presided as speaker in the house of lords 1709 ; acted as a lord justice 1709-10 ; presided as speaker in the house of lords 1710 ; acted subsequently as a lord justice ; died late in the autumn of that year.

1707 Robert Rochfort ;

was son of Primeiron Rochfort, a lieutenant-colonel, and Thomasine, daughter of Sir Robert Pigott ; was born about the time of the death of his father who was executed for a breach of discipline 1652 ; entered Lincoln's Inn 1672 ; married Hannah daughter of William Handcock of Twyford in co. Westmeath, and sister of Sir William Handcock sometime recorder of Dublin ; was elected recorder of Londonderry 1680 ; went to England at the time of the Revolution 1688 ; was appointed a commissioner of oyer and terminer in Ireland early in 1690 ; became third commissioner of the great seal after the battle of the Boyne ; went with Cox on a commission of gaol delivery to Ardee and Drogheda in the autumn ; was returned to parliament for cos. Westmeath and Londonderry, and elected to sit for the former 1692 ; appears as a whig in politics ; was said to be " the greatest practiser in the kingdom, and to abound in wealth " 1695 ; became then attorney-general ; was also re-elected for co. Westmeath and elected speaker of the house of commons same year ; filled the speaker's chair until 1699 ; acted then also as governor of the county of Westmeath ; appears allied with the tory party 1703 ; was re-elected for co. Westmeath same year ; was wounded by an assailant 1704 ; arranged the marriage of his eldest son to a daughter of the Earl of Drogheda 1706 ; sought the office

of chief baron same year ; was then offered but declined a peerage ; was appointed chief baron 1707 ; appears in attendance on the house of lords 1707, 1709, 1713 ; signed reports on the conflict between the government and the aldermen of Dublin 1713-14 ; was superseded after the accession of George I, 1714 ; gave evidence before a committee of the house of commons as to the conflict with the aldermen of Dublin 1716 ; said that the judges were unanimous, but pleaded inability to recollect particulars ; held by the house to have acted partially and corruptly ; resided in Dublin in Oxmantown and in the country at Newpark near the Ward in co. Dublin and at Gaulstown in co. Westmeath ; died at Gaulstown 1727 ; was buried there ; left issue through whom he became an ancestor of the Earls of Belvidere. [Dict. Nat. Biog. On March 9, 1652, Rochfort's father was brought before a court-martial in Dublin on a charge of killing his major, and although acquitted of any intention to kill, he was found guilty of a breach of duty and sentenced to death. It has been said that his son Robert was born exactly nine months later, on December 9, but in his will, which was dated May 13, Primeiron Rochfort mentions two sons, all that he is known to have had, and leaves a third of his possessions to each. It seems possible that it was a daughter who was born after his death. Lodge's Peerage, iii. 20.]

1709 Alan Brodrick, Viscount Midleton ;

was second son of Sir St. John Brodrick of Ballyanon in co. Cork, and Alice, daughter of Randal Clayton of Thelwall in Cheshire ; was born 1656 ; entered the Middle Temple 1670 ; matriculated in Oxford University from Magdalen College 1672 ; was called to the bar in the Middle Temple 1678 ; married as his first wife Catherine second daughter of Redmond Barry of Rathcormack in co. Cork ; was elected recorder of Cork in the winter of 1690 ; became also then third serjeant ; was returned as member for Cork 1692 ; appears as a whig in politics ; was removed from the office of serjeant at the close of that year ; married as his second wife, Alice, daughter of Sir Peter Courthope of Little Island in co. Cork 1695 ; became solicitor-general same year ; visited Bath 1696 ; received the freedom of Dublin 1702 ; became speaker of the house of commons 1703 ; lost his second wife

same year ; was removed from the office of solicitor-general 1704 ; visited England same year and again in 1706 ; became attorney-general 1707 ; visited England 1708 ; was appointed chief justice of the Queen's Bench at the close of 1709 ; appears in attendance on the house of lords 1710 ; was superseded 1711 ; visited England in that year and again in 1713 ; was elected knight of the shire for co. Cork in latter year ; became again speaker of the house of commons ; appears in London in the summer of 1714 ; became chancellor on the accession of George I ; was created Lord Brodrick of Midleton 1715 ; presided as speaker in the house of lords 1715-16 ; visited England in the summer of 1716 ; married on his return to Ireland as his third wife, Anne, daughter and heir of Sir John Trevor, sometime master of the rolls in England, and widow of the Right Honourable Michael Hill of Hillsborough in co. Down ; was returned to the British parliament as member for Midhurst early in 1717 ; acted as a lord justice for some months ; was created Viscount Midleton in the summer ; presided as speaker in the house of lords later in that year ; visited England early in 1718 ; acted as a lord justice later in that year ; visited England again in the winter ; had a fall from his horse soon after landing there and broke two of his ribs ; presided as speaker in the house of lords 1719 ; became a lord justice later in that year ; expected to be removed 1721 ; acted as speaker of the house of lords later in that year ; was then in bad health ; went to England early in 1722 ; was re-elected for Midhurst same year ; did not return to Ireland until the summer of 1723 ; acted afterwards for some months as a lord justice ; presided as speaker in the house of lords in the winter of 1723-4 ; was then attacked for his long absence from Ireland ; resigned 1725 ; visited England 1726 ; was re-elected member for Midhurst 1727 ; resided in Dublin in Queen-street ; died at Ballyanon in co. Cork in 1728 ; was buried at Midleton ; had issue including a son Alan, who succeeded to the title. [Dict. Nat. Biog.]

1710 Constantine Phipps, knight ;

was third son of Francis Phipps of Reading ; was born 1656 ; appears at the Free School in Reading ; was elected to a scholarship in St. John's College at Oxford 1672 ; entered

Gray's Inn 1678 and the Middle Temple 1683 ; was called to the bar in the Middle Temple 1684 ; married Catherine Sawyer of London later in that year ; appeared as counsel for Lord Preston 1691, for Sir John Fenwick 1696, and for Thomas Wilson, bishop of St. David's 1702 ; became a bencher of the Middle Temple 1708 ; was counsel for Sacheverell 1710 ; went to Ireland as chancellor in the winter of that year ; was knighted then by the queen ; acted as a lord justice ; was said then not to appear to interest himself in party ; received the freedom of Dublin ; attended races at the Curragh and made thence a progress to Killaloe, Limerick, Cashel, and Kilkenny during the Easter vacation ; presided as speaker in the house of lords in the summer ; made another progress to Lixnaw, Tralee, Killarney, Macroom, Cork, Kinsale, Clonmel, and Carrick during a recess ; acted as a lord justice 1711-13 ; developed extreme tory opinions and was suspected of Jacobitism ; was said to be in danger of removal ; incurred much odium in connexion with the prosecution of a whig for riot in the theatre and the release of a tory bookseller accused of circulating seditious publications ; made a speech to the lord mayor and aldermen of Dublin urging them to suppress seditious literature, to secure an understanding jury for the trial of the alleged rioter, and to enforce the penal laws, early in 1713 ; was said to be in danger of removal in the summer ; presided as speaker in the house of lords in the autumn ; was voted then by the house of commons an enemy to the protestant religion and a corrupt administrator ; acted again as lord justice in the summer of 1714 ; was a foremost protagonist in the conflict with the aldermen of Dublin 1713-14 ; was superseded as lord justice a few weeks after the accession of George I and was removed from the office of chancellor a month later 1714 ; received an honorary degree as doctor of civil law from Oxford University on the day of the king's coronation ; acted as reader in the Middle Temple 1715 ; was denounced by the Irish house of commons as a Jacobite 1716 ; acted as counsel for the Earl of Winton 1716 ; was unwell at the close of 1720 ; acted as counsel for Bishop Atterbury 1723 ; died in the Middle Temple later in that year ; was buried at Bright Waltham in Buckinghamshire ; was succeeded by a son William who was father of the first Baron Mulgrave. [Dict. Nat. Biog.]

1711 Richard Nutley ;

was second son of William Nutley, a master of the utter bar in the Middle Temple; was born 1670; matriculated in Oxford University from New Inn Hall 1688; graduated as bachelor of arts 1691; proceeded master of arts 1694; entered the Middle Temple 1695; was called to the bar there 1698; went to Ireland as secretary to the commission on forfeited estates 1699; joined the King's Inns 1700; was elected member for Lisburn 1703; visited England 1703-4; was then acting as agent for the Duke of Ormond and became afterwards manager of his estates; was alleged to have altered a decree of the house of lords and was forbidden to appear as counsel before the house 1707; was given leave to plead again before the house on the motion of Archbishops King and Synge; visited England 1708; married then Philip Venables; developed extreme tory opinions; was appointed third justice of the Queen's Bench 1711; was thought likely to be removed with Phipps in 1713; appears in attendance on the house of lords in that year; was active in the conflict with the aldermen of Dublin, and drafted the reports 1713-14; went to London to defend the action of the executive in the summer of 1714; was superseded after the accession of George I; was nominated then by the Duke of Ormond a deputy-steward of Westminster, but was rejected by the dean and chapter; returned to Ireland and resumed his practice at the bar; was examined before a committee of the house of commons as to the conflict with the aldermen of Dublin 1716; said that he had acted impartially, but excused himself from answering questions as to the part taken by him in London; was held by the house to have violated his oath as a judge and to be guilty of high crimes and misdemeanours; appears receiving the Earl of Anglesey in Dublin on his arrival from England and accompanying him to Wexford in the summer of that year; visited England 1718; was suspected of concealing the Duke of Ormond in his house in Dublin 1719; was thought not unlikely to be restored to the bench 1725; resided in Dublin in Mary's-street; died from what would now be called appendicitis 1729; was buried in Dublin in St. Mary's Church.

BOOK V
SOVEREIGNS—GEORGE I TO GEORGE III
YEARS—1714 TO 1800

CHAPTER I

WHIGS OMNIPOTENT

SOVEREIGN—GEORGE I. YEARS—1714 TO 1727

A FORTNIGHT after the death of Queen Anne on August 1, 1714, the tory chief justice of her Irish bench averred that he did not know any protestant in Ireland who was not zealous for the succession of the house of Hanover. At the time Sir Richard Cox was claiming that he had acted himself "a perfectly Hanoverian part," and he had no doubt in his mind protestants like himself of Irish birth.¹ Although it seemed then to others that many protestants of Irish birth had bound themselves so irrevocably to the wheels of the tory party as to be prepared to join in recalling the Stuarts in order to maintain that party's supremacy, Cox's assertion was proved after the accession of George the First to have been made in good faith, and in the light of to-day the political strife that rent Ireland during the reign of Queen Anne appears to have been the result of a rivalry of persons rather than a conflict of principles.

It was undoubtedly personal animosity that had necessitated an appeal to Anne herself to decide whether the civic chair of Dublin should be occupied by a favourite of the aldermen or of the privy councillors, in other words, by a whig or a tory. At the time of Anne's death, that question was still undetermined, and it was one of the first brought before the regents, who discharged the duties of the sovereign until the

¹ Cox to Southwell, 1714 Aug. 14, Brit. Mus. Add. MSS., 38157.

king arrived from Hanover. Within a week of their assumption of office a decision was given by them in favour of the aldermen, and ten days later an election of a lord mayor and sheriffs took place in Dublin, but the lords justices and privy councillors of Ireland refused once more to approve of the persons chosen on the ground that the last lord mayor, whose rights were a point at issue, had not joined in the proceedings. From this attitude they were not moved even by a peremptory order from the regents to approve of the aldermen's choice, excusing themselves on the ground that obedience would violate their consciences since they held that they acted judicially and not ministerially.¹

With a compliance that was destined to provide a convincing argument for their removal, Anne's Irish judges had allowed themselves to be drawn into the dispute. As members of the privy council, the chief judges were made its protagonists, and with the exception of Sir Gilbert Dolben, all the puisne judges joined with the chiefs in two reports upholding the claims of the privy council and refuting those of the aldermen.² Under the regency, both chiefs and puisnes persisted in asserting the righteousness of their findings and opposed any deviation on the part of the privy council from the decision at which it had originally arrived. As Archbishop King said, under Anne the judges were inexcusable in consenting to give an opinion in a matter that might come before them on the bench, and under the regency they were officious in thrusting themselves into opposition to the government.³

Possibly a consideration of self-interest would have made no difference, but the possibility of their being superseded *en bloc* did not enter into their calculations.

¹ Boyer's Political State, viii. 172, 223.

² Commons' Journals, Ire., iii. ii. lxxviii.

³ King to Southwell, 1714 Nov. 25, Lib. Trin. Coll. Dubl. MS., N. 1. 8.

Five weeks after the accession of George the First, Cox, the wisest of them, was so far from foreseeing the debacle of the tory party as to believe that it would be impossible for the new sovereign to dispense with the aid of tory statesmen and to imagine that the whigs, whose insolence a month before had amazed him, were coming round to his view. Even a few days later, when the primate and the chancellor were superseded as lords justices, he flattered himself that it portended no more than a new chancellor.¹ It was not a matter for wonder, inasmuch as the leading Irish whigs felt no certainty as to the king's intentions in regard to the Irish judicial bench. In Dublin Archbishop King, who had been foremost in opposition to the tories, expected no more than a partial reconstruction of it, and in London others, who were supporting the cause of the aldermen, believed it would be necessary to strain every nerve to secure judges and privy councillors "such as his grace and all good men desired."² But the disrespect shown to the regents provided an irresistible lever, and a few days after the king's arrival in England, it was decided to make a clean sweep of everyone who had acquiesced in the disregard of their orders.³

Once a change was decreed there could be no question as to those by whom the chief judicial seats should be filled. The part taken in the struggle against Jacobitism, whether imaginary or real, by Irish whigs, precluded the idea of passing over members of the Irish bar in favour of their brethren in England, and four men stood out at the Irish bar as undeviating in fidelity to the whig party, unrivalled in resource and ability, and undeniable in influence and interest. They were,

¹ Cox to Southwell, 1714 Aug. 14, Sept. 7, 10, Brit. Mus. Add. MSS., 38157.

² King to Brodrick, 1714 Aug. 26, Lib. Trin. Coll, Dubl. MS., N. 1. 8; Hist. MSS. Com., Rept. 2, App., p. 247.

³ Hist. MSS. Com., Rept. 2, App., p. 248.

in order of merit, Alan Brodrick, then for the second time speaker of the Irish house of commons; John Forster, then recorder of Dublin; William Whitshed, and Joseph Deane. With the exception of Deane, they had all qualified for the bench by service as law-officers, and for a short time Brodrick had been, as has been seen, chief justice of the Queen's Bench, and Forster speaker of the house of commons.

To Brodrick fell naturally the place of chancellor. In point of talent, of experience, of position, and of claims, he stood clearly foremost. He was then fifty-eight years of age. His legal qualification had been gained in the Middle Temple, which he had entered as a boy of fourteen, and an academic veneer had been added by a period of study at Oxford in Magdalen College. Intensity of opinion marked his career, and no accusation of inconsistency could be fairly brought against him. During the twenty-four years that elapsed from the battle of the Boyne to the death of Anne, he had held for two years the office of serjeant, for nine years that of solicitor-general, for two and a half years that of attorney-general, and for eighteen months that of chief justice of the Queen's Bench, and of all these offices, with the exception of that of attorney-general, he had been deprived for antagonism to tory doctrine. Determination, strength, and independence were strongly marked traits in his character, which was marred by an arrogant disposition and tendency to intemperate speech. In consequence of these failings, he has been stigmatized by Swift as a man prone to be as violent as a tiger, and by one of his judicial brethren as an advocate indulging in the methods of a low-class practitioner,¹ but in the opinion of those best qualified to judge, he was capable of exercising moderation and prudence as well as of forming

¹ Swift's Prose Works, ii. 208; *Supra*, p. 31.

calm and sound judgement,¹ and from his success as an advocate he must have surpassed in subtlety and persuasiveness his contemporaries at the bar.

Although a tory pamphleteer reminded him of his connexion with a collar-maker and with a looter of the Duke of Ormond's plate at the battle of Rathmines,² his forbears had gone to Ireland with a good status, enabling them to take a leading place in the county of Cork, where their Irish property lay, and entitling one of them to be a commissioner under the act of settlement. From the accession of William and Mary until his appointment as chief justice, Brodrick had sat as member for the city of Cork in the Irish house of commons, of which he was for the last six years of that period the speaker, and in Anne's second Irish parliament, he had obtained a seat as knight of the shire for Cork county and re-election as speaker. In a private memorandum, he has recorded his opinion that his re-election to the speaker's chair, which was secured in spite of the opposition of "the court, the ministry, jacobitism, toryism, and officialdom," was of immense importance to George the First, as the proceedings in the Irish house of commons, which resulted from it, deterred the ministry from re-opening the question of the Hanoverian succession.³

To Forster fell the second chief justiceship, which compensated for its inferiority in rank by its light duties. Forster, who has the distinction of being the father-in-law of Bishop Berkeley, may fitly be described as the understudy of Brodrick, to whom he was ten years junior. He differed, however, from Brodrick in belonging to a family identified with commercial life in Dublin, and although a sound lawyer and impressive

¹ King to Bp. of Clogher, 1708 April 20, Lib. Trin. Coll. Dubl. MS., N. 3. 3.

² A Long History of a Certain Session of a Certain Parliament in a Certain Kingdom, reprinted 1754, p. 59.

³ Coxe's Memoirs of Walpole, ii. 179.

speaker, he was not Brodrick's equal in advocacy and statesmanship. As a law-officer his experience had been little more than two years, and as speaker only a few months, but as recorder of Dublin, and as member for that city in parliament, it had covered the whole of Anne's reign. He was the mainstay of the aldermen in their conflict with the privy councillors, and was made the target for the arrows of Swift and other tory satirists.¹ His courage and his ill-usage were, Archbishop King says,² equally great, and probably the strain, which the archbishop describes as almost past endurance, had rendered an easy station desirable. An admiring bard, who had more courage than wisdom in tendering congratulations to Forster in verse,³ seems to have had that thought in his mind :

Recorder, you the fiery trial past,
 But now no rubs will in your way be cast ;
 Swimmingly now Dame Justice will take place
 Under your umbrage with an assur'd face ;
 By your example all the courts will be
 So sustain'd and gifted with integrity.

To Whitshed fell the place of chief justice of the King's Bench, although he was no more than thirty-seven years of age, and his only experience of legal office had been as solicitor-general for eighteen months. He was, however, a man of ample means, derived from ancestors who had been Dublin merchants, and he had sat in the Irish parliament throughout Anne's reign as knight of the shire for Wicklow county. With that county his father, who had been also a barrister, had

¹ Swift's Poems, ii. 143 ; A Long History of a Certain Session, reprinted 1754 ; The Life of Aristides, *Dubl.* 1714.

² King to Bp. of Clogher, 1714 Aug. 19, *Lib. Trin. Coll. Dubl. MS.*, N. 1. 8.

³ A Congratulation to the Rt. Honourable John Forster, Lord Chief Justice, on his Accession to His Majesty's Court of Common Pleas, this Hilary Term 1714/5. By W. L. *Dublin*, printed by L. C. 1714/5.

been connected as member for one of its boroughs, and in it the chief justice had a country seat. As a judge his failings have been emphasized by Swift and his merits by Archbishop King, but while at the bar and in parliament, his life escaped notice, and of the cause of his high promotion full explanation is lacking. It is probable, however, that his elevation was in a measure due to political service that his brothers were able to render, and he was undoubtedly a man of good abilities with social gifts that won for him friends in high places.¹

Lastly, to Deane fell the place of chief baron of the Exchequer. He was of similar age and standing to Whitshed, and resembled him in having sat in the Irish parliament throughout Anne's reign as a knight of the shire. His family was prominent in the land-owning class, and his influence is seen in the fact that the county represented by him was that of the metropolis. His interest had been augmented by his becoming allied by marriage with the titled houses of Boyle and O'Brien, and was furthered by his having recommended himself to churchmen of the school of Archbishop King, who applauded his great sense, knowledge of law, honesty, and good temper.²

The warrants for the three chief judges passed the privy seal in London on the last day of September, and nine days later, a privy council was held in Dublin, at which, after new councillors had been sworn, Phipps was deprived of the great seal, and the civic officers chosen by the aldermen were approved. Brodrick, Forster, and Whitshed were then in England, where the first two had been for some months, and the last for some weeks, and Deane was entrusted temporarily

¹ King's Letters, 1714 Dec. 14, Lib. Trin. Coll. Dubl. MS., N. 1. 8; Abp. Wake's Corr., 1717 Oct. 19, Nov. 14, Lib. Ch. Ch. Oxon.

² King to Bp. of Clogher, 1715 May 2, Lib. Trin. Coll. Dubl. MS. N. 1. 8.

with the custody of the great seal.¹ Five days later Brodrick arrived to claim it, and although Whitshed did not return to Dublin until later, Cox was then dismissed and also probably Chief Justice Doyne.²

Amongst the puisne judges the only change made at that time was by reversing the supersession of three years before, and restoring Mr. Justice Macartney to the King's Bench in the room of Phipps's jackal, Mr. Justice Nutley, but early in November three new puisne judges were appointed and Macartney was transferred to the tranquil atmosphere of the Common Pleas.

The English bar provided the new judges, Jeffrey Gilbert, John Pocklington, and Sir John St. Leger.

To Gilbert, who was a contemporary of Whitshed, was assigned the place of a justice of the King's Bench. He was a most learned lawyer, a treatise by him on the law of evidence being regarded by Blackstone as a classic, and in the domain of legal authorship he was, perhaps excepting Sugden, the most eminent judge that the Irish bench has ever known. His relaxation was found in mathematical and theological study, and his attainments outside his profession gained for him the fellowship of the Royal Society. By birth he was a native of Kent and owed his promotion to Lord Chancellor Cowper, who had countenanced him at the bar.³

To Pocklington was assigned the place of second baron of the Exchequer. He was twenty years senior to Gilbert, being a contemporary of Brodrick, and was a bencher of the Middle Temple when he came to Ireland. He had also been sometime one of the justices of Chester, and had sat in several parliaments as representative of either the borough or county of Huntingdon. With that county he was connected by

¹ Boyer's Political State, viii. 340.

² King to Addison, 1714 Oct. 14, Lib. Trin. Coll. Dubl., MS., N. 3. 4; Cox to Southwell, 1714 Oct. 16, Brit. Mus. Add. MSS., 38157.

³ Hist. MSS. Com., Rept. 8, App., p. 58.

birth and marriage, and he had been educated at Peterborough and Cambridge.

To St. Leger was assigned the place of third baron of the Exchequer. His appointment led Dr. Garth to exclaim, "God help the kingdom where St. Leger is made a judge!"¹ He had become a law student in the same year as Gilbert, but he had not been called to the bar until fifteen years later. Meantime he had married the heiress of the Ware family—a lady twenty-five years his senior with a somewhat questionable past,² and had been apparently one of the young favourites of King William, by whom he was knighted. His promotion to the bench was attributed by him to the friendship of Cowper and Parker, but by others to his relationship to Viscount Doneraile. He had enjoyed such advantages as Westminster School, Christ Church, Oxford, and the Inner Temple afforded, and was not wanting in parts, as Swift, who says that he followed the bar at a distance, had "to take him down."³

The relative degree of importance in which Anne's judges were held as political opponents was exemplified by the time that was allowed to elapse before they were removed. As we have seen, the three chief judges and Nutley were dismissed at once, and Mr. Justice Upton received his quietus on the transfer of Macartney to the Common Pleas, but Sir Henry Echlin and Baron Johnson were not superseded until the following January, and Mr. Justice Coote, who acted on the spring assizes,⁴ until the following May, while Sir Gilbert Dolben was never superseded and continued to sit as a justice of the Common Pleas until he resigned six years after George the First's accession. His case is not a little remarkable as he was prominent in the British parlia-

¹ Brit. Mus. Add. MSS., 21123, f. 87.

² S.P., Ire., 1667-72, passim; Complete Baronetage, iv. 294.

³ Swift's Prose Works, ii. 287.

⁴ State Trials, xviii. 150.

ment on the tory side until the close of Anne's reign, but on the other hand his record in Ireland was colourless.

Eight months after his elevation to the bench, immediately after his return from his first circuit as a judge, Chief Baron Deane died, from an illness that was attributed to a chill contracted during an eclipse of the sun, but which was probably due to exertion while suffering from gout.¹ Even Archbishop King, the most enthusiastic of patriots, had to admit that there was no one left at the Irish bar fit to take Deane's place, and his successor was found in Gilbert. According to St. Leger, the Exchequer was then full of old causes, and the confusion and disorder in the practice were almost beyond remedy. Owing to the rudeness of the counsel and attorneys, "a court-leet or pie-powder was less tumultuous," and as there was no "paper of causes," both sides were never prepared to proceed at the same time, the hearing of a cause often extending over three terms and the arguments being sometimes renewed on the importunity of counsel two or three times in a term.²

Evidently the standard at the Irish bar was then extremely low. The delay in removing Coote was due to efforts to secure as his successor Anne's last Irish attorney-general, Sir Richard Levinge, whose ability compensated for his toryism, but Levinge was unwilling to take a puisne judge's place, and at last, shortly before Gilbert's promotion, Coote was superseded in favour of the prime serjeant, William Caulfeild. The latter resembled Coote in being a man of good birth, and owed his elevation to the bench to his devotion to the whig cause. Nearly twenty-five years had elapsed

¹ Mason's History of St. Patrick's Cath., p. lvi; cf. King's Letters, 1715 May 2-21, Lib. Trin. Coll. Dubl., MS., N. 1. 8.

² St. Leger to Chief Justice Parker, 1715 June 14, Brit. Mus. Stowe, 750, f. 104.

since he succeeded his father as a Roscommon landowner, and became member for a Roscommon borough, but only ten years had passed since his call to the bar. Under Anne he had served, however, for a short time as second serjeant, and had distinguished himself in the suppression of the houghers, and under George the First he glided naturally into the place of prime serjeant. He was succeeded in that office by Godfrey Boate, who had no better recommendation than a few years' service as a master-in-chancery, but who, after a year's experience as prime serjeant, was thought fit to take Gilbert's place in the King's Bench.

After Boate's appointment, which was made in the spring of 1716, the bench was constituted as follows, those appointed from the English bar being marked with an asterisk :

Chancellor	Alan Brodrick, Lord Middleton, P.C.
Master of the Rolls	*William Berkeley, Lord Berkeley of Stratton.
Chief Justice of the King's Bench	William Whitshed, P.C.
Justices of the King's Bench	William Caulfeild, Godfrey Boate.
Chief Justice of the Common Pleas	John Forster, P.C.
Justices of the Common Pleas	*Sir Gilbert Dolben, baronet. James Macartney.
Chief Baron of the Exchequer	*Jeffrey Gilbert, P.C.
Barons of the Exchequer	*John Pocklington. *Sir John St. Leger.

Meantime, Anne's judges were feeling the resentment of their political foes and were being made scapegoats for the tory party. On the day that Phipps was superseded as a lord justice in September 1714 some of "the well affected to the protestant succession" forced him to take refuge in Dublin Castle "until their fury was

allayed," and on his surrendering the great seal in October he deemed it prudent to take boat at once for England.¹ Thither Upton followed him, but all the other members of Anne's judicial bench faced the storm. It burst upon them when the Irish parliament met twelve months later, in November 1715. As a preliminary the house of commons resolved that Cox, Coote, and Nutley had violated their oath and duty as judges in having a jury empanelled by an officer of their court instead of the sheriff to try Dudley Moore,² but the great question was, of course, the conduct of Anne's entire bench with respect to the civic election. This was referred to a committee, and on receiving a report nearly two years after George the First's accession, the house of commons found that Phipps's term of office as chancellor synchronized with a design to subvert the constitution and freedom of election of magistrates of corporation; that in respect of the reports on the Dublin civic elections, Anne's three chief judges, Cox, Doyne, and Rochfort, had acted partially and corruptly, and one of Anne's puisne judges, Nutley, had prostituted his office; that the removal of Phipps from the government was a seasonable instance of the king's justice; and that Nutley was guilty of high crimes and misdemeanours, inasmuch as he had drawn up a report contrary to fact and had acted as solicitor instead of judge.³

All the members of Anne's judicial bench, except Phipps, Upton, and Dolben, were examined by the committee. Cox relied for exoneration on efforts made by him for a compromise; Doyne shielded himself behind others; Rochfort's memory failed him; Coote pleaded that all men made mistakes; Nutley declined to disclose what had passed in London, whither he had gone before Anne's death; and Echlin and Johnson

¹ Boyer's Political State, viii. 246, 340.

² Commons' Journals Ire., 1715 Nov. 26.

³ Ibid., 1716 June 23.

confessed that they had relied on the chief judges and brought witnesses to prove their zeal for the Hanoverian accession.¹ Although only sixteen members voted against the censure on Cox, there can be no doubt from his correspondence that his part in the civic dispute was actuated by a conviction that legally he was in the right, and that he rejoiced that the king was in even though he was out, and knew no want so long as "popery and the pretender" were excluded.² His loyalty to the succession was certainly shared by Doyne, Coote, Echlin, and Johnson, and probably in reality, though not ostensibly, by Rochfort. They all survived for many years, and no act of disloyalty was ever imputed to them, so far otherwise in the cases of Echlin and Coote that the former was created a baronet and the latter was elected knight of the shire for Monaghan county.³ Of the opinions of Upton, who cut his throat while suffering from a hectic fever in Gray's Inn,⁴ nothing is known, but Phipps and Nutley, who resumed practice at the bar, the former in England and the latter in Ireland, were much identified with the Jacobite cause and probably were as disloyal as was compatible with their own interests.

Within a few years of George the First's accession, everyone had to admit that toryism in Ireland was an extinct force. Cox, one of its chief pillars, could find less than a score to champion him, and some high-flying clergymen, who made allegations of misfeasance

¹ Commons' Journals Ire., iii. ii, lxxxv.

² Cox to Southwell, 1714 Oct. 9, Brit. Mus. Add. MSS., 38157.

³ The respect entertained for Doyne may be gathered from the account of his obsequies: "Dublin, March 6 [1733]. On Friday night last [2] the late Chief Justice Doyne was interred at St. Nicholas's Church in a very private though decent manner, his hearse being adorned with black plumes and velvet pall, and his bearers, *who were some of the chief men in our kingdom*, with the other attendants, wearing fine linen scarves and cambric hatbands."—The Flying Post, March 13.

⁴ The Postman, 1718, June 23.

against persons in authority in Ulster, were left without support at Carrickfergus assizes before Forster and Macartney, who were so presumptuous as to hold that they were undeserving of credit.¹ But questions of more moment to Ireland than those which had separated whig from tory arose, and a cleavage took place in the whig ranks, which became divided under the names of court and country.

The cleavage began on the claim of the Irish house of lords to final appellate jurisdiction. With that question the Exchequer was brought into close relation, as it was raised by an order sent to that court by the British house of lords in connexion with an appeal from its Irish rival. This order, which concerned lands in Kildare county, and reversed a decision of the Irish house of lords, was received by the barons of the Exchequer in Hilary term, 1718, and although it did not name "the cause, parties, or lands, nor in what county the lands lay," it was obeyed by them. According to Baron Pocklington, who had only just returned from England, a flame burst forth at once, and "the last resentment of the country" fell upon him and his colleagues for rendering obedience to an imperfect order, which it was said none but persons with their sympathies would have done. Hitherto Pocklington's days in Ireland had been halcyon, but now he foresaw that such days were a thing of the past.²

The Irish parliament had been then just prorogued, but when it met eighteen months later, in the summer of 1719, the house of lords waxed very warm on the question generally and on the action of the barons in particular. The attack on them was led by Archbishop King, but in spite of its being in ecclesiastical hands, it

¹ The Report of the Judges of Assize for the North-East Circuit of Ulster upon a Memorial given in to the Lords Justices of Ireland by his Grace the Lord Primate and the Lord Bishop of Down and Connor [dated 1716, April 21].

² Pocklington to Abp. Wake, 1718 Feb. 25, Lib. Ch. Ch. Oxon.

showed in Pocklington's opinion that Christian charity was a rare commodity on that side of the channel, and that the cause of the appellate jurisdiction was not more at heart than the defamation of the barons. The attack on Gilbert was open to much criticism, for it represented one who had been hitherto "the darling of the nation" as "the most infamous of men." A short time before the University of Dublin had conferred on him an honorary degree, and Archbishop King had assured him of the truth and sincerity of his friendship, but now he was left to the mercy of a mob, who broke the windows of his house, and was told by Archbishop King that he had acted with such disregard of his oath as to deserve not only imprisonment, but even death itself, and the curses of all honest men. The defence of the barons fell upon a few bishops of English birth, who could only count on the support of two temporal peers, the chancellor and St. Leger's brother, Lord Doneraile, and made no impression on the majority of the peers, who finally decided to treat the barons as criminals and committed them to the custody of the black rod.¹

As soon as the session closed, the confinement of the barons, which had lasted for three months and been attended with extraordinary expense to them, came to an end. As he was much alarmed lest the imputations on "the integrity and understanding" of himself and his colleagues might obtain belief in England, Pocklington hurried to London to see Archbishop Wake, with whom he was intimate, and was rewarded by votes of the British house of lords, applauding him and his colleagues for their courage, and requesting the king to confer on them some mark of favour. At the same

¹ Pocklington to Abp. Wake, 1719 June 16, July 11, 30, Aug. 4, Bp. of Meath to same, 1719 July 15, Bp. of Kilmore to same, 1719 Aug. 3, Bp. of Derry to same, 1719 Aug. 6, Lib. Ch. Ch. Oxon; Pue's Occurrences, 1719, July 28-Aug. 1.

time, a bill, which soon became law, was introduced to deprive the Irish house of lords of all appellate jurisdiction, and when Pocklington returned to Ireland for the spring assizes, in 1720, he found that the barons had to bear the odium of the act, and that at Longford Gilbert had been unable to obtain shelter for himself or his horses in any place but the barracks.¹

In the office of chancellor, Viscount Midleton, as Alan Brodrick had become, proved himself, in the words of an Irish bishop of English birth, "a great man, although a little too warm and passionate,"² and notwithstanding frequent disagreements with the chief governors, he managed to retain the chancellorship for ten years. Bound by ties of property and kindred to both countries, he endeavoured to hold the balance even between the Irish and the English interest. During the first session of George the First's Irish parliament, he was no less a bold asserter of the dependence of Ireland upon England than a zealous defender of the right of Irishmen to preferment in church and state; and in the second session, he could not be denied the character of an honest man and a lover of the constitution, although accused by some of bias to England, and by others of a like inclination to Ireland.³ This uneasy position was not lessened by his having embroiled himself in the rivalries of the English ministers. To Lord Sunderland he owed in his own opinion the chancellorship, as well as the barony which was given him six months later, and to the fortunes of that wily statesman he committed for a time his own.⁴ This connexion had probably a part in a visit which he paid

¹ Pocklington to Abp. Wake, 1719 Oct. 10, 1720 April 7, Bp. of Derry to same, 1720 Jan. 28, Lib. Ch. Ch. Oxon; cf. Bishop Nicolson's Letters, ii. 504.

² Bp. of Kilmore to Abp. Wake, 1716 June 27, *ibid.*

³ Same to same, 1716 June 19, Bp. of Meath to same, 1717 Oct. 9, *ibid.*

⁴ Coxe's *Memoirs of Walpole*, ii. 179.

to England shortly before the Townshend administration was overthrown, in the autumn of 1716, and was doubtless responsible, in the year 1717, for his return as member for Midhurst to the British house of commons, and for his appointment as a lord justice and advancement to a viscounty in Ireland. But he was not prepared to sell his independence, and early in 1718, when he went to London to take his seat in the British house of commons, he astonished Sunderland by declaring his inability to follow him in limiting the creation of peers. Although his efforts were so great as to cause his nose to bleed, Sunderland failed to shake Midleton's determination, and had to consent to Midleton's returning to Ireland as the only alternative to his appearing in open opposition.¹

Although he came back to England at the close of the year 1718 and spent the winter there, Midleton's relations with Sunderland were strained, and gave ill-wishers a pretext to whisper that he was no friend to England, and had advised Gilbert to disregard the order of the British house of lords. When the debate on the appellate jurisdiction arose in the Irish house, his weight was, however, thrown against the claims of Ireland. His sympathy was with them, but his sound judgement left him under no illusion as to the hopelessness of the struggle. He foresaw that the Irish house, in seeking the final right would lose every right to appellate jurisdiction, and he foretold that the "hot proceedings" would be remembered by Great Britain in her dealings with Ireland, and would prove detrimental to Irish interests in a wide sphere. In consequence of his own unpopularity and Gilbert's popularity in English ministerial circles, Midleton was convinced in the summer of 1720 that his place was designed for Gilbert. He had been treated with marked disrespect in the hope, as he believed, that he would resign, and

¹ Coxe's *Memoirs of Walpole*, ii. 171-2, 175.

he expected that his removal was imminent. In all probability it would have been his fate if Gilbert could have been persuaded to accept the Irish seal, and had not limited his ambition to an escape from Ireland with a seat on the English bench.¹

The matter went, however, so far as to raise the question of Gilbert's successor in the Exchequer, and amongst those in the running was Sir Richard Levinge, who had been Middleton's rival for legal office prior to the Hanoverian succession. Apart from professional attainments, Levinge was eminently fitted to meet the exigency of the moment, as he was an Englishman, who had gained a profound knowledge of Ireland by residence in that country for thirty years. His position in it had been from the first high. He had gone thither at the age of thirty-four in 1690 as solicitor-general with the prestige of a man of old English family, who held the recordership of Chester and represented that city in the English parliament, and on account of his parliamentary experience, he was elected speaker of the Irish house of commons, of which he became soon after his arrival in Ireland a member. Four years later in 1695 he lost both the solicitor-generalship and the speakership through his tory opinions, which brought him subsequently in 1700 into conflict with the English house of commons while acting on the commission as to the Irish forfeited estates. After nine years' deprivation of office, he became in 1704 again solicitor-general, with a baronetcy as a solatium for lack of promotion, but after a five years' tenure he found himself once more in the cool shades of opposition. As he had obtained a seat in the British house of commons for Derby, where his paternal property lay, his claims on the formation of Oxford's administration in 1710 were great, but they received no more recognition than the Irish attorney-generalship.

¹ Coxe's *Memoirs of Walpole*, ii. 175-8.

Like Cox, Levinge was regarded in the last years of Anne's reign as a very indifferent tory, and Swift complained that a design of impeaching Lord Wharton was relinquished owing to Levinge's disposition being that of a cautious lawyer rather than of an intrepid politician,¹ but Levinge's moderation, coupled with support from Parker, who was his first cousin, stood him in good stead under George the First. Besides being offered a puisne judgeship, he had been suggested on Deane's death for a chief one,² and now he obtained the latter, for although the office of chief baron did not then fall vacant, the chief justiceship of the Common Pleas became a possibility through Forster's death from apoplexy, and Levinge was given it.

As rivals for a chief judge's place, Levinge had Macartney, who was backed by Midleton, Pocklington, who relied on Wake's good offices, St. Leger, who urged himself his claims in London, and above all a new judge, George Gore, who had just succeeded to a seat in the Common Pleas through the retirement of Dolben on an access of riches by speculation in South Sea stock.³ Gore, whose sons became peers, belonged to a family deeply and widely rooted in Irish soil, and was through his wife owner of a large estate. He had been since George the First's accession attorney-general in Ireland, and was only induced by an asthmatic complaint to accept a puisne judge's seat,⁴ but he was probably rewarded sufficiently, as his friends said little of his professional merit and much of his personal worth.

When another puisne judgeship fell vacant a year later, in the summer of 1721, through the death of Boate, Levinge was in despair at the men suggested. In his opinion all were unfit and several could have had

¹ Swift's Corr., i. 227.

² Hist. MSS. Com., Rept. 8, App., p. 58.

³ Pocklington to Abp. Wake, 1720 June, Lib. Ch. Ch. Oxon.

⁴ King to Southwell, 1720 July 9, Lib. Trin. Coll. Dubl., MS., N. 3. 6.

no pretence to a seat in the King's Bench except on the supposition that "the successor should have some resemblance to the person deceased." He longed for the reappointment of Baron Johnson, who was his great crony, and insisted on the injustice of his having been made a victim of Nutley's misdeeds.¹ Owing to the unfitness of the candidates, Boate's seat was still unfilled in May 1722, when further delay became impossible. Midleton was then in England; Gilbert had only lately returned from it and had just obtained the seat there that he had long desired; and Levinge, who had always been a martyr to gout, was incapacitated by the most agonizing form of that malady.² In a letter to the chief secretary of the lord lieutenant Archbishop King, who was then governing the country as a lord justice, thus depicts the situation :³

I find that our Lord Chief Baron leaves us and we expect a new one. I believe Mr. Justice Gore of the Common Pleas would fill the place well and would be acceptable to the kingdom. We are in great distress as to our courts and judges; first in respect of the privy council, by custom, for which there is great reason, a great many things cannot be done without the presence of the chief justices or chancellor, references to committees having generally that clause in them. Now we have no chancellor; Sir Richard Levinge of the Common Pleas is so infirm that he can rarely attend; and the Lord Chief Justice of the King's Bench is harassed almost out of his life by the multitudes of criminals and examinations, especially at this time when the affair of the pretender's men is so flagrant and so many under trial, and the want of a judge on his bench, which place has been vacant three terms, makes it more hard on him and impossible for him to attend committees of councils, and if the chief baron's place should be long vacant all business must stop there.

. . . But this is much more tolerable than the obstruction of justice in the courts. The Exchequer chamber

¹ Jottings of the Levinge Family, nos. 39, 51.

² *Ibid.*, No. 45.

³ King to Hopkins, 1722 May 15, Lib. Trin. Coll. Dubl., MS., N. 3, 7.

cannot sit. The judges think that they have business enough in their proper courts, as in truth they have, and that it is very hard they should be obliged to lie under the burden of the chancery, which is very near as great as that of their own courts, especially when this is to be done without fee or reward and it was put on them without their being so much as asked. And it is yet much harder on the people that have suits, the delay being much greater than when the chancellor is present and the charges double, for when the chancellor comes all must be heard again as it has formerly happened, and to be sure the temporary judges will not be forward to make decrees in these circumstances. You know there are too many reasons to chagrin the people: I think it very unnecessary to add this to the rest.

Notwithstanding the changes made in the ministry by the bursting of the South Sea Bubble, Midleton continued in small favour in England, and when the helm was taken by Walpole in the spring of 1721, he had an idea of resigning.¹ Unfortunately, he did not do so, for in the autumn of that year, during the fourth session of George the First's Irish parliament, his reputation sustained a great set-back. In spite of political differences, Levinge had for him "a degree of idolatry," but he had to admit that his old rival made then but sorry speeches and lost reputation as a manager of parliamentary business.² Midleton's decline of power was the result of a paralytic affection, and at the end of the session, early in 1722, he went to Bath. As, owing to his dissensions with the ministers and the viceroy, it was intended to exclude him from the office of a lord justice, he cannot have been sorry for an excuse to leave Ireland and he did not return for eighteen months.

As a judge Midleton gained general respect. In a Survey of the Viceregal Court, Matthew Concanen sings thus of him:³

¹ Coxe's *Memoirs of Walpole*, ii. 211.

² *Jottings of the Levinge Family*, no. 42.

³ *Poems*, *Dubl.*, 1722, p. 8.

Next Midleton in place and merit stands,
 Claims our observance and our praise demands ;
 To each contending party's joint applause,
 He dictates justice and expounds the laws ;
 Integrity and sense at once displays,
 Hears ev'ry point, and ev'ry scruple weighs
 While neither art nor int'rest can prevail
 With steady hand he holds th' impartial scale.

Although associated with Midleton in the government of Ireland, Archbishop King was separated from him by variance of opinion and temperament, and sought the advice of Whitshed when in doubt. In this way Whitshed was brought into close relation with the government of the country, and being ambitious, he was credited with a desire to obtain the chancellorship. Within two years of his elevation to the bench in the summer of 1716 he was reported to be undermining Midleton,¹ and a year later, in the winter of 1717, he was figuring in London as Ireland's wisest and most reliable statesman. To Archbishop King he owed that character. He undertook the visit in order to disseminate his own and the archbishop's views and discussed with Wake the question of the appellate jurisdiction which was then known to be likely to become acute.² On that question he took the Irish side, but he lost all favour with the vast majority of his countrymen, in the summer of 1720, by his condemnation of Swift's pamphlet on the use of Irish manufactures. In showing his disapproval of that pamphlet, he vied with Midleton, the one, according to Swift, fearing to lose the chancellorship, the other desiring to come into it, and after obtaining presentments of the pamphlet as a seditious publication from the grand juries of Dublin city and county, he endeavoured to compel an ordinary jury

¹ Bp. of Kilmore to Abp. Wake, 1716 June 19, Lib. Ch. Ch. Oxon.

² King to Abp. Wake, 1717 Oct. 19, *ibid.* ; Whitshed to King, Nov. 2, 28, King to Whitshed, Nov. 21, 30, Lib. Trin. Coll. Dubl., MSS., N. 1. 9, N. 3. 11.

to hold the printer responsible. After a contest lasting eleven hours during which he refused nine times to receive a verdict of not guilty, and affirmed with his hand upon his breast his belief that the design was to bring in the Pretender, he forced the jury to find a qualified verdict on which the crown never dared to act.¹

To the King-Whitshed alliance, the choice of Boate's successor, which was made in the summer of 1722 at the time the archbishop wrote to the chief secretary, was attributable, for the barrister chosen, John Parnell, was a protégé of the archbishop and the husband of Whitshed's sister. Parnell, who had been a member of the Irish parliament for nine years, was a brother of the poet and an ancestor of the Irish leader, but he did not shine upon the bench, and was described by Swift as a booby and by a magnate of the Queen's county, in which Parnell had a residence, as "a so-so judge with neither parts nor knowledge, full of complaisance and fine speeches, and of deriding behind backs."² In his recommendation of Gore as Gilbert's successor, the archbishop was not so successful, for an English barrister, Bernard Hale, had been appointed before the archbishop's letter reached London. Hale went to Ireland with the character of a gentleman of great worth and integrity, and although run down mightily at first, he overcame soon "Dublin's railings."³

About the time of Boate's death, in the summer of 1721, the King's Bench was the scene of a panic which resulted in great loss of life during the trial of two brothers called Briganton for killing a watchman. The circumstances were thus described on June 17 by Archbishop King, who was more moved by a miscarriage of justice than by the appalling catastrophe: ⁴

¹ Swift's Corr., iii. 66.

² Ibid., 129.

³ The St. James's Journal, 1722 July 19; Bp. of Kilmore to Abp. Wake, 1722 Nov. 29, Bp. of Meath to same, 1723 April 20, Lib. Ch. Ch. Oxon.

⁴ Lib. Trin. Coll. Dubl., MS., N. 3. 6; cf. The Daily Post, 1721, June 26, and The Weekly Journal, July 1.

You will hear of a most miserable accident that happened here at the King's Bench yesterday. Two drunken fellows going home in their cups at about two of the clock in the morning, about a month ago, were challenged by the watch, upon whom they fell and killed one of them. Everybody, which is strange, espoused these rogues, and being tried yesterday, the court was prodigiously crowded with their abettors. A chimney near the court took fire. On the noise of it a panic fear seized the people and they pressed to get out with such violence that twenty were killed outright and an hundred bruised, and it is supposed several of them will die. From this and other instances it will appear that a man may kill whom he pleases in Dublin, and is in no danger of the law, for those were acquitted by a jury of gentlemen who found *se defendendo*.

The state of the court-houses in the country was then a danger, at least to the public. While Caulfeild and the prime serjeant were on the Connaught circuit in the spring of 1719, *Pue's Occurrences*¹ had letters from Roscommon giving a melancholy account of the fall of the court-house there while the judges were sitting. "Several people were killed and abundance wounded, but neither judges, counsel, or any of the attorneys got any hurt." Again, while Hale and St. Leger were on the north-east circuit in the spring of 1725, the *Dublin Weekly Journal*² learned that at Monaghan a main prop of the court-house fell, and occasioned apprehension for the safety of those in it. The judges were obliged to adjourn to the street, where three prisoners received sentence of death and five were burned in the hand.

There appears to have been a considerable amount of civil business in Ireland at that period, judging by the number of appeals to the English house of lords in the summer of 1721. On May 13 *The Weekly Journal* mentioned that decrees of the Irish chancery had been reversed in a cause that had depended for fifty-one

¹ March 3-7.

² April 17.

years ; on the same date *The Gentleman's Journal* stated that a decision had been given in an Irish cause to which the corporation of Galway was a party ; and on June 29 *The St. James's Evening Post* related that Edward Edgeworth had been successful in obtaining a reversal of a decree of the Irish puisne barons. But notices of criminal business predominated in the press. The enlisting of men for foreign service, to which Archbishop King refers in his letter to the chief secretary, threw much work on the judges in the summer of 1722. A special commission was then sent to Munster for the trial of the accused, but according to *Baker's News* of July 7, although six persons were executed at Cork and seven at Waterford, "neither these examples being made, nor the lenity of the government in bringing but a few out of a great number that had offended to trial, had restrained the factious party."

The rivalry between Whitshed and Midleton for power, if not for place, became acute in the spring of 1723. Whitshed had on his side the lord lieutenant as well as Archbishop King, and Midleton had weight as a man commanding three votes in the British house of commons, of which his brother and his son were members as well as himself. Early in the year, when Midleton's return to Ireland had been in contemplation, the lord lieutenant and the secretary of state had differed as to his inclusion in the number of the lords justices,¹ and in the spring Whitshed set out for England to see how he could best trim his sails. In the opinion of an Irish bishop of English birth, the visit was a deep-laid plot on the part of Archbishop King to secure his own supremacy by the appointment as chancellor of one with whom he was "hand and glove,"² and certainly

¹ Brit. Depart. Corr., 1723 Feb.-March, formerly in Pub. Rec. Off. Ire.

² Bp. of Meath to Abp. Wake, 1723 March 15, April 20, Lib. Ch. Ch. Oxon.

Whitshed's visit had the effect of fixing attention on Midleton's long absence. At least one person left Ireland on the ground that there was no safety there without "the proper officers of both law and equity,"¹ and the cry against Midleton became very loud. In a letter to Whitshed, which left room for reading between the lines, Archbishop King said it rested with the lord lieutenant whether Midleton's absence should become a parliamentary question or not, and assured Whitshed of his hearty prayers for his happiness, which possibly meant elevation to the woolsack.² But Midleton weathered the storm, returning to Ireland as chancellor and holding the great seal for two years more, although a vote of censure upon him was passed in the Irish house of lords by a two-thirds majority.

The era of Wood's patent and the Drapier's Letters now drew on. It witnessed the power of England to retaliate as well as the power of Ireland to rebel, and was marked for the church and law in Ireland by England's resolution to reserve the chief prizes for men of English birth. The first-fruits of that resolution were seen in the advent of Hugh Boulter and Thomas Wyndham to take the places of Primate Lindsay and Chief Justice Levinge, who died within an hour of each other in the summer of 1724,³ and again in the arrival of Richard West and Thomas Dalton to take the places of Chancellor Midleton and Chief Baron Hale, who made way for them in the summer of 1725, the one by resignation⁴ and the other by obtaining, like Gilbert, a seat on the English bench.

Wyndham, who was destined in two years on West's premature death to become the head of the law in

¹ King to Gorges, 1723 April 6, Lib. Trin. Coll. Dubl., MS., N. 3. 7.

² King to Whitshed, 1723 June 1, *ibid.*

³ Maule to Abp. Wake, 1724 July 3, Lib. Ch. Ch. Oxon.

⁴ His friends did not regard his retirement as voluntary, and gave expression to their view in "Ireland's Universal Loss, or the Nation's

Ireland, had the advantage of a name that was then associated with the judicial bench as well as with parliament. He was grandson of an English judge said to have been only inferior in ability to the great Sir Matthew Hale,¹ cousin of a well-known statesman in Anne's reign, and son of a representative of the city of Salisbury in parliament. All that is known of him shows that he was a great gentleman, a worthy son of the ancient Wiltshire family from which he sprang, conscious of the obligations of his position and capable of exercising prudent and sound judgement as a member of the judicial bench and as a statesman. After early education in Salisbury school, he had entered in his seventeenth year, Oxford University from Wadham College, where he was of founder's kin, and also Lincoln's Inn, and nineteen years before he went to Ireland he had been called to the bar. Of his life prior to his elevation to the Irish bench, a few glimpses can be caught, mainly from the diary of a faithful clerk,² and he is revealed to us suffering, while a law student, from the small-pox, acting as pall-bearer at the stately funerals of his kinsfolk, appointed in the first year of his professional life recorder of the close of Sarum, going to Liverpool in connexion with the trial of the

Moan and Complaint for the *Removal* of Allan Brodrick, Lord Viscount Middleton, Lord High Chancellor of Ireland" [May 21, 1725].

While Europe's menac'd with disputes and jar
 And non-submissive Poland threatens war,
 Forgive, regretted Patriot, if the Muse
 Mourns, what it could not to your worth refuse.

Long has Hibernia bless'd beneath thy hand,
 Prided you bore the purse and chief command ;
 And as a setting sun, whose widening globe
 Dilates itself and bids the day unrobe,
 Just so, great Sir, will all the turns of state
 Contribute, when you set, to make you great.

¹ Dict. Nat. Biog., lxiii. 251.

² Howard's Misc. Gen. et Her., 2 S., iv. 36.

pretender's followers, and taking an oath to qualify himself as a burgess of Wilton.

West, who was nine years Wyndham's junior in standing at the bar, was known then as a man of brilliant talents, of which he had given proof by a phenomenally rapid rise in his profession and by essays in the realm of letters, and is now remembered sometimes as father of Favonius, the friend of Gray. He is said to have had no ignoble birth, and to have been so well-favoured as to make a good figure behind his purse.¹ Within four years of his call to the bar, he had become a king's counsel and a bencher of the Inner Temple, and a few years later he had been brought into the British parliament for a Cornish borough. In the impeachment of the Earl of Macclesfield, a masterly speech was made by him, and his fame may be gathered from a poetical greeting that he received on landing in Ireland : ²

West 'tis that will our superfluous branches prune,
 Correct our laws and set our harp in tune ;
 He, that brave English statutes can disclose,
 At once his wisdom and his justice shows ;
 Chaste ancient writings we may learn from hence,
 Neglect of which no wit can recompense ;
 The fountain, which from Helicon proceeds,
 That sacred stream should never water weeds,
 Nor make the crop of thorns and thistles grow,
 Which envy or perverted nature sow ;
 Happy Hibernia ! with such a hero blest ;
 What virtue dwells not in his glorious breast ?

The last of the new judicial personages, Dalton, is remarkable in having been a fellow of All Souls College at Oxford, and although a man of the same age as Wyndham, was not much longer called to the bar than West. By Hearne he was noticed in his academic days as "a proud, empty whig," who contended with high

¹ Elegy *infra*, p. 106 ; Hist. MSS. Com., Rept. 7, App. p. 685*a*.

² A Poem on the New Lord Chancellor [July 22, 1725].

constables when they stood in his path, and had wood-cocks, with their heads cut off, failing calves' heads, for dinner on the anniversary of Charles the First's martyrdom.¹

Although the passing over Archbishop King for the primacy was a great blow to him,² Whitshed did not relax his efforts to make himself indispensable. When Carteret arrived as lord lieutenant a few months later, in the autumn of 1724, with orders to enforce Wood's patent, Whitshed lost no time in testifying his readiness to assist him, and in expressing the opinion that in regard to the Drapier's Letters the government should neither do more nor less as a consequence of the ferment, and should act with regularity and firmness.³ His own idea of the meaning of those words was exemplified a few weeks later by his efforts to force the presentment of the Drapier's Letters, of which the judge of the Prerogative Court gave the following account :⁴

On Saturday last (November 21), by order of my lord lieutenant, the attorney and solicitor-general went to the court of King's Bench and desired the grand jury to be called into court, had the paper read before them, and with decency of temper performed their duty. After they had done the three judges harangued the jury, and pressed them with great earnestness to present the paper as seditious. The jury, after some deliberation, would not present it. My Lord Chief Justice sent them back again, [and] asked them if they did not think the fifth paragraph false and malicious, and [that] therefore it was not consistent with their oaths to deny presenting such a false paragraph, which so grossly reflected on persons in so high stations under his majesty. The jury returned again, and refused to comply with the court. My Lord Chief Justice ordered them to be called by their names respectively. Beginning with the youngest, he asked

¹ Hearne's Collection, i. 52, 337; ii. 27.

² King to Whitshed, 1724 July 19, Lib. Trin. Coll. Dubl., MS., N. 1. 9.

³ Coxe's Memoirs of Walpole, ii. 366.

⁴ Coghill to Southwell, 1724 Nov. 24, Brit. Mus. Add. MSS., 21122.

him his reasons why he did not present the paper as the court expected. His answer was that he thought he had done his duty, and discharged his oath and his conscience honestly and justly. Others of them said they thought the presenting the paper might be a step towards bringing in the halfpence amongst us; others of them said they thought the fifth paragraph was liable to censure, and that they were willing to present that, but their brethren would not come into it. My Lord Chief Justice ordered them to return and consider of it again, but the foreman told him it was to no purpose, for they would not alter their opinion, whereupon my Lord Chief Justice expostulated the matter with them, and discharged that jury, and ordered the sheriffs to summon another, which was accordingly done, and the enclosed paper was published yesterday morning (November 23) before the court sat. The charge was given to the new grand jury and the three things principally insisted on by my Lord Chief Justice were the crime of embracing juries by words or writing, of endeavouring to create animosities between the people of England and Ireland, and of reflecting on the king's ministers or any persons in high stations or trusts under him, and directed them if any such books or pamphlets had been published to present them, but mentioned none of the books particularly. This procedure of discharging the jury has exasperated the city, and all others to a great degree, most censuring it as an illegal act, others as a very imprudent one at least, and all people apprehending that those violent measures may be used for pressing those halfpence as well as they have been for presenting this paper. The first grand jury consisted of three and twenty, three were for presenting the whole paper, eight were for presenting the fifth paragraph, with which the first three agreed, but there were twelve against the whole.

At first, Whitshed's display of vigour afforded him nothing but intense self-satisfaction. He hastened to give a banquet to the lord lieutenant, at which the whole of the official circle, except the new primate and chief justice of the Common Pleas, were present, but as Archbishop King, who was one of the guests, wrote on the day of the banquet, Whitshed's proceedings had

made a great noise and given rise to many reflections on him and his colleagues in the King's Bench.¹ With relentless cruelty, Swift and his friends then began to pour their satire on the unhappy chief justice, raking up even the tragic suicide of his grandfather in Christ Church Cathedral, and imputing to him lapses of an unsavoury kind, and it was with the utmost difficulty that Whitshed's friends kept the Irish parliament from falling upon him.² Foremost amongst his friends was, of course, Archbishop King, who did all he could "to comfort, screen, and defend him," and affirmed that Whitshed's zeal against the Drapier's Letters was assumed, and that his object was to excite such opposition as would prove to the ministers the futility of trying to impose the halfpence on Ireland.³

But what Archbishop King or Whitshed thought was of little consequence with Boulter and West as heads of the church and law, and all seemed going well for English rule, when, sixteen months after his appointment in the winter of 1726, West died unexpectedly. The most remarkable incident during his short term of office was the production of a tragedy by him in Drury Lane Theatre, and its subsequent appearance in print, the only instance of an Irish chancellor figuring as a playwright. In the preface to the book, West had to admit that the tragedy was not successful on the stage, but he attributed its failure to the actresses and audience being intimidated by the gods.⁴ In correspondence with Bubb Dodington, he displays much insight as regards Ireland,⁵ and, judging by an elegy he did not

¹ Bishop Nicolson's Letters, ii. 590; King to Gorges, 1724 Dec. 12, Mason's History of St. Patrick's Cath., p. 346.

² Swift's Poems, ii. 218; Swift's Corr., iv. 226.

³ King to Gorges, 1724 Mar. 25, Mason's Hist. of St. Patrick's Cath., p. 345; King to Carteret, 1727 Sept. 12, Lib. Trin. Coll. Dubl., MS., N. 3. 9.

⁴ *Hecuba, a Tragedy*, as it is acted at the Theatre Royal, Drury Lane, by His Majesty's Servants, Lond. 1726.

⁵ Hist. MSS. Com., Various, vi, passim.

fail to use the passport to favour there, hospitality and charity. On the writer of the elegy, he impressed himself by his gifts of mind and body :

Of stature comely, with a manly grace,
Sprung from a virtuous, ancient, and good race ;
Courteous, tho' keen in judgement and good sense,
Bright were his parts and sensible his eloquence.¹

West was no more than dead when Boulter, who was then governing Ireland as first lord justice, dispatched letters to London giving his views as to his successor. That he would be an Englishman, Boulter had no doubt, but his own experience made him alive to the advantage of knowledge of the country and he was urgent that either Wyndham or Dalton, preferably the former as longest in the country, should be appointed. The reply, which was exceptionally rapid, was in accordance with his advice, and eighteen days after the death of West, Wyndham was sworn chancellor.²

The reasons that had been responsible for the elevation of Levinge to the bench caused, four years later, in 1724, the appointment of another tory, Francis Bernard, an ancestor of the Earls of Bandon, as prime serjeant, and on the resignation of Macartney in 1726, the vacant seat in the Common Pleas fell to him. He had long been a foremost member of the Irish bar, to which he had been called over thirty-five years, and was also a member of the Irish house of commons for nearly the same period. In a gouty constitution, as well as in politics, he resembled Levinge, with whom he had served at the end of Anne's reign as solicitor-general. Two years after his appointment as a judge

¹ Elegy on the much lamented Death of his Excellency Richard West, Esq., Lord High Chancellor of Ireland, and one of the Lords Justices of this Kingdom, who departed this Life the third of this Instant December 1726.

² Boulter's Letters, i. 105-15.

he lost money through the default of his steward, and although reputed to have a vast fortune, he entertained a notion of resuming practice at the bar as a consulting counsel, a step from which he was dissuaded by the judge of the Prerogative Court, who speaks of him as excellent in judicial capacity and a great man in his profession.¹

On the news of Wyndham's appointment reaching Dublin, Whitshed had no spirit left in him, and supplicated Boulter to obtain for him the reversion of Wyndham's cushion in the Common Pleas, where he might end his days in peace. Although most reluctant to let such a plum go to a man of Irish birth, Boulter had to admit Whitshed's fidelity in the matter of the Drapier's Letters, and suggested that he might be indulged if the cushion that he vacated was given to an Englishman.² The suggestion was adopted, and Whitshed without delay was transferred to the Common Pleas, but no English barrister could be induced to undertake the duties that the chief justiceship of the King's Bench involved. After a lapse of three months Boulter was much disgusted to find that the place had been given to the Irish attorney-general, John Rogerson, whom he had represented as not in the running, and he came to the conclusion that Whitshed's motive in seeking Wyndham's place was to keep both chief seats for Irishmen.³

In Boulter's eyes, Rogerson was a most presumptuous person, although the primate was forced to admit that the English had no cause, apart from his Irish birth, to complain of him, and some of them regarded him possibly as not unworthy of office on account of his being a wealthy man. His wealth Rogerson, from whom the Earls of Erne trace descent, knew probably how to use for his own advancement. As a son of a great merchant,

¹ Coghill to Southwell, 1728 Dec. 14, Brit. Mus. Add. MSS., 21122.

² Boulter's Letters, i. 111, 114.

³ Ibid., i. 115, 195.

Sir John Rogerson, known in Lombard Street as well as in the Dublin tholsel, he had every advantage in education, and was a member of the English as well as the Irish bar. He had always practised, however, in the latter country, where he had married at an early age a daughter of a rich legal official, Stephen Ludlow, who was also Bernard's father-in-law, and he had served from the time of George the First's accession as an Irish law-officer, holding as well the recordership of Dublin and representing that city in parliament.

His offence, in Boulter's estimation, was his daring to aspire to the woolsack. Soon after the primate had come to Ireland, Rogerson had gone to London with a letter of introduction from Carteret to the ministers, and had made so favourable an impression as to be spoken of as Middleton's successor. Although he said that he took it as no more than an idle rumour, Boulter wrote off at once to London in the name of those "whose hearts were still with their country" to say that they were much alarmed that such an appointment should be even mooted, and to express their conviction that the only way to keep things quiet in Ireland, and easy for the ministers, was to fill the great places with natives of England.¹

¹ Boulter's Letters, i. 21, 22.

CHAPTER II

COURT AND COUNTRY

SOVEREIGN—GEORGE II. YEARS—1727 TO 1760

A SEAT in the Irish house of commons had become, in the case of Irish barristers, almost as necessary a preliminary to a seat on the judicial bench as call to the bar, the rule being proved in both the reign of George the First and that of George the Second by a single exception,¹ and judgeships were won or lost in the conflict between court and country that relieved the biennial sessions of the Irish parliament from utter stagnation. In the early sessions of George the Second's Irish parliament there sat as members of the Irish house of commons two future chancellors, Robert Jocelyn and John Bowes; three future chief justices of the King's Bench, Anthony Marlay, St. George Caulfeild, and Warden Flood; a future chief justice of the Common Pleas, Henry Singleton; three future justices of the King's Bench, Henry Rose, Arthur Blennerhassett, and William Scott; five future justices of the Common Pleas, Robert Dixon, Robert Lindsay, Robert French, Robert Marshall, and Thomas Tenison; and a future baron of the Exchequer, Arthur Dawson. In the case of most of these men, the bench was attained by the ladder that the five offices of attorney and solicitor general and prime, second, and third serjeant provided. In the first year of George the Second's reign there were on the respective steps, Marlay, Jocelyn, Singleton, Dixon, and Bowes,

¹ In the former Godfrey Boate, in the latter Christopher Robinson.

and subsequently there appeared on the ascent Marshall, Caulfeild, Flood, Blennerhassett, Scott, and Tenison.

At their head for ability stood the future Lord Bowes, whose reputation rests on his letters as well as on contemporary estimation. Although a member of the Irish bar, he was an Englishman by birth, as was also the future Viscount Jocelyn, ancestor of the Earls of Roden, who enjoyed extraordinary popularity in the land of his adoption. All the others were of Irish birth, and with few exceptions were men of only modest pretensions, who were distinguished in the house of commons by the length rather than the matter of their speeches. As Francis Hardy tells us,¹ they astonished the house, which resigned all speaking to them in a kind of despair, by their constancy: if they rose near midnight "they were as certain, though sad, harbingers of day as the bird of dawning ever was," and were only induced to desist from speaking by hints from the government bench. But apart from professional or political merit, several of the men who attained to the judicial bench under George the Second were distinguished in social life, and two of them, Marlay and Flood, have an exceptional interest for every age, the one in being the maternal grandfather of Henry Grattan, and the other in being the father of Henry Flood.

At the bar, the favourites of government had to compete with convert Roman Catholics, who were excluded from the house of commons, indeed from every pale except the professional, and judging from "A View of the Bar," which was published in Dublin in the year 1730,² they did not always succeed in con-

¹ *Memoirs of Earl of Charlemont*, i. 139.

² Copies of the verses on broadsides are preserved in the British Museum and Cambridge University Library. The verses have been reprinted in *Wilde's Closing Years of Swift's Life*, p. 174; *The Dublin Saturday Magazine*, ii. 456; *O'Flanagan's Lives of the Chancellors of Ireland*, ii. 47. In some slight degree the versions differ and an attempt has been made to reconcile them.

vincing the public of their superiority to their rivals
in either argument or learning :

There's Marlay the neat,
Who in primitive state
Was ne'er for a drudge designed, Sir ;
Your French gibberish he
Takes great nonsense to be,
And is one of your sages refined, Sir.

Then Jocelyn next comes,
Who in very loud hums,
Which makes him not very concise, Sir ;
With a finger and thumb
He strikes one judge dumb,
Who suspends till he asks his advice, Sir.

There's Prime Serjeant Grand,¹
Who puts all to a stand
With his jostle and shove to arise, Sir ;
He lays down the law
With as haughty a paw
As if he were judge of assize, Sir.

There's Bowes, a great beau,
That here makes a show,
And thinks all about him are fools, Sir ;
He winks and he speaks,
His brief and fee takes,
And quotes for it English rules, Sir.

There's the rest of the wise,
That have no way to rise,
But a short sleeve and seat within table ;
They stop up the way,
Tho' they've nothing to say,
And are just like the dog in the fable.

¹ i.e. Henry Singleton.

There's old Dick Malone,
 Tho' in barrister's gown,
 Talks reason and law with a grace, Sir ;
 Yet without bar he stays,
 Tho' he's merit to raise,
 But converts ne'er change their first place, Sir.

There's Anthony too,
 Without father can't do,
 Tho' knight of his shire he is chosen ;
 For dad takes more pains,
 When his family gains,
 And Tony the pleadings do open.

There's Munster's great crack,¹
 Who in faith has the knack,
 To puzzle and perplex the matter ;
 He'll insist on't for law,
 Without the least flaw
 Tho' a good cause he ne'er made better.

Then there's Peter Daly,
 Who argues so gaily,
 In sound law and equity clear, Sir ;
 By the court he's not loved,
 Yet he spares not a word,
 For he knows 'tis their duty to hear, Sir.

There's Carew and Blake,
 There's Conlan the great,
 And Bourke all from the Irish line, Sir ;
 Now Coke without doubt
 Would have chose the four out,
 To correct and levy a fine, Sir.

There's many more lads,
 Who, faith, if their dads
 Did not hear them on popish acts prate, Sir,
 Talk of criminal papists,
 As if they were atheists,
 They'd say they were turncoats of state, Sir.

¹ Cornelius Callaghan.

There's the rest of the pack
 With the gown on their back,
 From one court to other they wander ;
 One's biting his nails,
 Or at the judge rails,
 And swears he commits a great blunder.

There's many pretenders,
 Who have bundles of papers,
 A starting just out of their breast, Sir ;
 But all the year round
 There the same may be found,
 And a brief without fee's a great pest, Sir.

So far as his life in Ireland was concerned, Bowes admits that the picture of him in these verses was not ill-drawn. In a letter written soon after his arrival in Ireland, whither he went in the year 1725, in the train of Chancellor West,¹ he says that " he dresses every day, visits ladies in the morning, receives compliments in form, and never stirs without a chair," but he did these things because they were the custom in Ireland and he was afraid that he would lose the character of a man of business which he had borne in England. To him, the profuseness of the Irish tables was a subject of amazement. It might be properly called, he said, the national vice, for people not infrequently ate themselves out of house and home. At an ordinary repast six dishes were usual, and for an entertainment, fifteen were the least number, and wine, which he considered more light and agreeable than that drunk in England, was furnished in proportion. In all respects, except the language, the people seemed to him French, and notably so in the civilities which they scattered upon him professionally as well as socially. Even before his admission to the Irish bar, he had been retained in twenty causes, but as he mentions that the advocates

¹ Campbell's Lives of the Chief Justices, ii. 236.

considered great in Ireland would not have been considered so in England, he was probably given business for more solid reasons than he suggests.

In "The Band," which is "inscribed to the Gentlemen of the Long Robe,"¹ Bowes is said to have been responsible for reviving the custom of wearing bands at the Irish bar, and the fashion is held up to ridicule :

In a fair velvet bag was much learning brought o'er,
With neat cambric bands, in number a score,
These bands would be lost if they were not here wore.

To these bands and this learning add a wig light and
great,
And qualified thus he advises the state,
For they all are convinced there is much law in his pate.

It is part of your dress, it will trick you up fine,
They wear them in England where law most does shine,
Though they ne'er were wore here since dear eighty-nine.

The jest was carried on in a "Ballad by a Milliner," who was not so willing to admit Bowes's ability as the author of "The Band" :

This pretty new fashion indulge him to wear,
There is no law in band, I may venture to swear,
But they set off an old-fashioned face, I declare.

All men, who impartially judge, must despise
A dwarf who with giants presumptuously vies,
And with a false glare would dazzle their eyes.

A record of the impression made on a stranger by the Irish legal system at the beginning of George the Second's reign has been left by a London citizen, who then visited Dublin, and was evidently in a position to compare the Irish system with that of England.² He says :

¹ Printed in 1731.

² A Description of the City of Dublin by a Citizen of London, Lond. 1732.

The Four Courts is a large and fine building, of the same use as Westminster Hall, the court of law in term being kept therein. The law and the practice being much the same as in England, nothing more can be said, but there has been, and is now, good lawyers and fine orators. There is a place called the King's Inns, where in term time the judges are treated with commons, which at this time is of no other use, the gentlemen of the law for the most part studying in the Temple and others of the inns of court in London. There are civil law courts in Dublin and eminent civilians. But the proceedings in every law court, and the proceedings of Irish parliaments are in a measure only form, for not a bill can pass into law before it be sent to London and approved by the king and council, nor can any of the civil or common law courts, nor court of equity, nor even the house of lords finally determine a lawsuit in Ireland, if either plaintiff or defendant thinks fit to remove the same to London.

This account of the legal system may well be supplemented by a flourish with which the *Dublin Intelligence* announced in 1730 ¹ the opening of Michaelmas term :

Yesterday, being the first day of the general sitting of the term, his Excellency the Lord Chancellor and all the other judges went in great state, attended by the battle-axes to the Four Courts, which were all fresh painted and embellished for their reception, the king's arms and clock being new gilt and the dock and sheriff's seats being altered for the better conveniency of trying prisoners and doing other business. The gentlemen of the city and county grand juries were also sworn, and the courts seemed fuller of clients than any term these several times past.

On the accession of George the Second in June 1727, the bench was thus constituted, the judges appointed from the English bar being marked with an asterisk :

Chancellor	*Thomas Wyndham.
Master of the Rolls	*William Lord Berkeley of Stratton.

¹ Nov. 7.

Chief Justice of the King's Bench	John Rogerson.
Justices of the King's Bench	William Caulfeild. John Parnell.
Chief Justice of the Common Pleas	William Whitshed.
Justices of the Common Pleas	George Gore. Francis Bernard,
Chief Baron of the Exchequer	*Thomas Dalton.
Barons of the Exchequer	*John Pocklington. *Sir John St. Leger.

But within a few months, Parnell and Whitshed had gone to their account, and within little more than four years, Dalton, Bernard, and Pocklington had followed them and Lord Berkeley had resigned. Adopting the precedent set in the case of Chancellor West, the deaths of the first four were made the subject of elegiac verse.

Parnell was commemorated as a man whose one and only virtue was charity : ¹

If you would know who lies in this dark cell,
Ask all the poor, their sighs and tears can tell,
The best of men, by our great God's decree,
It is John Parnell, all that a man can be.

Whitshed was commemorated in like fashion, and is adulated almost to the point of profanity, although it is admitted that both he and his brother-in-law, Parnell, could not hold a candle to the learned West who, the elegist suggests amusingly, was entitled to precede them to the grave as well as to other places : ²

¹ An Elegy on the much Lamented Death of Mr. John Parnell, one of his Majesty's Judges of the King's Bench, who Departed this Life at his Country Seat near Maryborough in the Queen's County on Sunday the 2nd of this Instant July 1727.

² An Elegy on the much Lamented Death of the Right Honourable William Whitshed, Lord Chief Justice of his Majesty's Court of Common Pleas, who departed this Life at his Country Seat at Stormanstown on Friday the 25th of this Instant August 1727.

Here lies a piece of Christ, a star in dust,
 A vein of gold, a china dish that must
 Be used in Heaven when gold shall feast the just.

But Bernard is commemorated for his professional attainments : ¹

Rock of the law, thou wert, and nature's pride,
 Admired thou livedst and much lamented died,
 Thou justly claimedst each upright man's applause,
 And lost thy life, toiled in thy country's cause.

In Dalton's case, the elegy, which was issued in London, was less crude and was longer, but was no less adulatory : ²

Justice, which fled to Heaven since Saturn's reign,
 Was sent to us from Heaven in him again ;
 This men and angels had the joy to see
 In every sentence and in each decree,
 Which from the learned mouth unbiassed past
 Like the great Judge's, who is to judge at last.

With the exception of Bernard, who was sixty-eight years of age, these judges died young, Parnell, and Dalton being about fifty-five and Whitshed fifty. Bernard, who was found dead in bed, had sat in court the day before his death,³ and although ill for some days, Whitshed died without proper medical care.⁴

According to Primate Boulter, Whitshed's days were shortened by the storm of malice that pursued him after his denunciation of the Drapier's Letters,⁵ and

¹ The Lawyer's Tears : a Mourning Elegy occasioned by the Sudden and much Lamented Death of Francis Bernard, Esq., one of the Judges of his Majesty's Court of Common Pleas, on Wednesday, June 30, 1731; by Joseph Sharp, Esq.

² An Elegy on the Death of the late Lord Chief Baron Dalton of Ireland in the Weekly Register, 1732, Sept. 2.

³ Pue's Occurrences, 1731, June 29-July 3.

⁴ King to Carteret, 1727 Sept. 12, Lib. Trin. Coll. Dubl., MS. N. 3. 9.

⁵ Boulter's Letters, i. 196.

for once Archbishop King agreed with Boulter, and said that Whitshed lost all gaiety and sprightliness from the day that he began to be lampooned. This opinion is expressed by the archbishop in a long and unconvincing letter, by which he sought to persuade Carteret that Whitshed was a superman, and that his death was a blow from which both his friends and the public could not hope to recover.¹ In this letter Whitshed is represented as the object of the nation's love and admiration until "the unlucky accident," and so overwhelmed by suitors, owing to his eminence judicially, as to have sunk under the load of business, but at the same time he is admitted to have been capable under the persuasive influence of power, of doing a "dubious and odious thing" in the hope that good might come, and foolish enough to believe that because he was a great authority on law, he was equally so on medicine.

No sooner had news of Parnell's death reached Primate Boulter than he began to try if one of the leading law officers could not be induced to relinquish his pretensions to a chief seat, and to accept the puisne one now vacant, but he found none of them responsive to the suggestion, and before the question of Parnell's succession was settled, he was distracted by alarm lest Rogerson might obtain transfer to the Common Pleas in Whitshed's room and the appointment of an Englishman to either chief justiceship be once more frustrated. On the very day that Whitshed died, he sent off a letter to London warning the ministers against such tactics, and was so pleased to find that his apprehensions were groundless that he left the puisne seat to its fate.² Although he advised that both seats should be kept open until the approaching parliament session was over, they were at once filled. Parnell's successor, Michael

¹ King to Carteret, 1727 Sept. 12, Lib. Trin. Coll. Dubl., MS., N. 3. 9.

² Boulter's Letters, i. 167, 195, 196, 201.

Ward, was an Irish barrister of over twenty years' standing, who is known now as the father of the first Viscount Bangor, and then as one of the knights of the shire for the county of Down, and Whitshed's successor, James Reynolds, was an English barrister of some fifteen years' standing, who had the recommendation of being a Cambridgeshire landowner and a nephew of the chief baron of the English Exchequer.

It was soon found, however, that the Irish house of commons could not be kept in the right path without the lure of office, and the policy of appointing English barristers to the Irish judicial bench began to decline. During the whole reign of George the Second, besides Reynolds, only four were sent over and three of these were sent in the station of a puisne judge.¹ When Dalton died in 1730, Boulter wrote² to Walpole himself to implore that in the choice of a chief baron there should be no departure from the practice of appointing an Englishman, which had prevailed for three turns, but the manager of the Irish house of commons took a different view and in order to conciliate the country party, the attorney-general, Anthony Marlay, was promoted. In the next four years similar reasons were accountable for the confirmation of Thomas Carter, a great political figure of that period, in the sinecure office of master of the rolls, on which he had had a lien for six years, and for the elevation to the bench as puisne judges of Robert Dixon, Robert Lindsay, and Henry Rose, who had all been prominent as members of the house of commons, while the only consolation that came to the Boulter party was Pocklington's being succeeded by another member of the English bar in the person of John Wainwright.

The patronymic of the new chief baron had not been

¹ John Wainwright, Richard Mountney, William Yorke, Edward Willes.

² Boulter's Letters, ii. 21.

long identified with Ireland, and until the time of his father had been connected with Newcastle-on-Tyne, where his grandfather, who was known as the rich knight, displayed much prowess in the service of Charles the First.¹ Although he had no considerable reputation as a lawyer, Marlay had the distinction, rare then amongst Irish barristers, of possessing academic attainments, of which proof had been given in his election as a scholar of Dublin University. As a barrister of eight years' standing on the accession of George the First, he had been brought into parliament as member for one of Speaker Conolly's boroughs and become a king's counsel, and for two-thirds of his parliamentary career he had been a law-officer. In the new master of the rolls, Boulter had found one of his chief opponents, and he could not restrain his indignation that one conspicuous for his rudeness to England and her people should be allowed to purchase one of the greatest legal prizes.² Carter belonged to the landowner's class as did also Dixon and Lindsay, who were successively promoted to the Common Pleas after the death of Bernard, and Rose, who came into the King's Bench on the resignation of Caulfeild. Rose was at the time of his appointment nearly sixty years of age, and Lindsay and Dixon were respectively about five and ten years junior to him, but although the youngest, Dixon was the only one who had enjoyed previously government favour, from which Rose had been debarred by strenuous support of the country policy.³ Rose was an alumnus of Oxford, and Lindsay, who lives as the Drapier's legal adviser, and Dixon were alumni of Dublin. But even Marlay's scholarship did not exceed that of Pocklington's successor. As the son and grandson of chancellors of the diocese of Chester,

¹ Grattan's Memoirs, i. 34; cf. *The Irish Builder*, 1887, p. 126.

² Boulter's Letters, i. 21, 68.

³ Brit. Mus. Add. MSS., 35584, f. 246.

Wainwright inherited culture, which had been fostered at Westminster School and at Christ Church, Oxford. Although a barrister of sixteen years' standing, he had made little way at the English bar, but by his personal charm and classical tastes, he had gained a place in the royal household and the friendship of distinguished people, including the king's minister, the Duke of Newcastle, who had been his schoolfellow, the royal favourite, Lady Sundon, whom he styled his guardian angel, and the great philosopher, Berkeley, who wrote an inscription for a monument that Wainwright raised in Chester Cathedral to his father and grandfather.¹

An effort was made by Chancellor Wyndham at the time that Rose was appointed to arrange the promotion of Bowes, who was then solicitor-general, to the judicial bench in order to strengthen it, but the only puisne seat that Bowes would accept was that of third baron of the Exchequer, which had then been held by Wainwright for eighteen months, and which was worth almost as much as the chiefship of the Common Pleas, owing to fees that the holder received for taking affidavits. It was proposed to make it available for Bowes by transferring St. Leger, who had succeeded to the second seat in the Exchequer on Pocklington's death, to the King's Bench, and promoting Wainwright in his room, but Wainwright could not be tempted to accept the higher seat, even by a division of profits from fees with Bowes, and bitterly resented Wyndham, who he considered had got into the chancellorship by "the wheel of fortune," attempting to strip him of his "poor perquisite."²

At the beginning of George the Second's reign, several criminal trials of a sensational kind in Ireland obtained publicity through newspapers and broadsides.

¹ Jour. Roy. Soc. Ant. Ire., xxviii. 332; xxxiv. 19.

² Hist. MSS. Com., Various, vi. 59.

Some of these trials took place in the King's Bench before Rogerson, Caulfeild, and Ward, who had then to discharge all the criminal business for Dublin city and county. One of those at which they presided was the trial of a Dublin surgeon for the murder of his maid-servant, in which the prosecution relied on the work of self-constituted detectives. The trial, which took place a month after the crime, began on May 24, 1728, at nine in the morning, and lasted until two in the morning of the next day, but as thirty-five witnesses were examined, the time seems to have been none too long. The surgeon was found guilty and five days later received the awful sentence then attaching to treason, the category in which murder in Ireland then stood.¹ Another of the trials in the King's Bench was that of an attorney and a degraded clergyman for forcing a child of twelve to marry a man of forty-five. This trial took place on April 29, 1730, two years after the alleged marriage, and three months after the arrest in London of the attorney, and lasted only for seven hours. The clergyman was acquitted, but the attorney was found guilty and sentenced six days later to be hanged.² A third of the trials in the King's Bench was that of a brother of an Irish barrister and a son of an ex-lord mayor of Dublin for the murder of a meat-salter in a brawl. The trial, which took place on November 26, 1730, lasted from ten in the morning until ten at night. Both prisoners were found guilty, one of stabbing, the other of aiding and abetting, and the next day after "a few overtures" from their counsel, and "a most eloquent and pathetic speech" from Rogerson, they were sentenced in like manner to

¹ The name of the surgeon was John Audoen and that of his victim Margaret Keeffe. For accounts of the trial see Thorpe Tracts, Nat. Lib. Ire.; cf. The Dublin Weekly Journal, 1728 May 25.

² The name of the attorney was Daniel Kimberley and that of the child, who was an heiress, Bridget Reading; see London newspapers 1729 Dec. 30 to 1730 Jan. 3 and 1730 May 7 to June 13.

the surgeon, and gruesome particulars of their execution were subsequently published.¹

About that time the criminal business that fell to the King's Bench judges was felt to be too onerous, and the system of a special commission to deal with crime in the city and county of Dublin was introduced, as related by the Irish correspondent of *The Weekly Journal*,² under date at Dublin, July 7, 1730 :

We hear a court of oyer and terminer is to be held every month at the King's Bench to try criminals, like that at the Old Bailey in London, which, considering how rogues multiply here, will be of great service to the public.

One of the first of the trials at the commission was that of a scholar of Trinity College, Dublin, for aiding and abetting the murder of a watchman in a fray. The trial took place on April 8, 1731. The evidence showed that the scholar was trying to prevent a friend making use of arms, which we are told it was customary then for the undergraduates to carry, and after "an impartial and excellent charge" from Chief Justice Reynolds, who presided, a verdict of not guilty was brought in to "the great satisfaction of the whole court."³ Another of the early trials before the commission was that of a mistress for the murder of her maid-servant by "kicks and thumps." This trial took place on March 8, 1732, and resulted like that of the scholar in a verdict of not guilty.⁴

The other sensational trials of that time came on in the country. At Trim assizes on March 14, 1729,

¹ See London newspapers 1730 Nov. 2 to 1731 Jan. 9.

² 1730 July 18.

³ The Universal Spectator, 1731 May 8.

⁴ The Tryal and Examination of Mrs. Catherine Tully for the murder of Margery Egan, her own servant-maid, who was with child (on Friday the 8th of January last) this present Monday, being the 8th of this instant March 1731/2. Before a court of oyer and terminer held at his Majesty's Court of King's Bench.

there came before Reynolds and Gore the trial of a son of a Drogheda merchant for the murder of a wealthy brewer's son in "a desperate duel fought with swords and pistols." After "mature deliberation" the jury brought in the prisoner as guilty only of manslaughter.¹ At Maryborough assizes on April 4, 1730, a lady was indicted for the murder of her husband and acquitted, as was also her brother who was indicted there a year later for the same crime.² At Sligo assizes on March 17, 1731, before St. Leger and Jocelyn, who was then attorney-general, a gentleman was indicted for the murder of a woman four years before, a crime for which his servant had already been executed. The trial began at ten in the morning and the jury were charged at four in the afternoon, but their verdict, which was one of not guilty, was not brought in until nine in the morning of the next day.³ Lastly there came on under a special commission at Cork on January 15, 1731, before Attorney-General Jocelyn, the trial of a man and a woman for "the very inhuman and bloody murder of Lieutenant St. Leger and his wife," two months before. The man was found guilty of the murder and was carried from the court to the place of execution, where he was hanged and quartered, and the woman was found guilty of being his accomplice and was burned the next day.⁴

¹ See *The Silver Court Gazette*, 1729 March 20, and *A Full and True Account of a Bloody Duel fought between Henry Hayes and Lambert Peppard Esqs. at Drogheda, on Saturday the 22nd of this inst. Feb. 1729*, as well as other publications, in *Irish Pamphlets*, v, *passim*, Lib. Trin. Coll. Dubl.

² *Applebee's Weekly Journal*, 1730 Jan. 17; *The Flying Post*, 1730 April 14; *The St. James's Evening Post*, 1731 April 10.

³ See *The Tryal of William Ormsby, Esq., for the Murder of Catherine Conaghane at the Assizes held at Sligo the 17th of March 1731*, and *The Whitehall Evening Post*, 1730 Oct. 24 and *The Flying Post* 1731 April 6, 8.

⁴ *The Dublin Weekly Journal* 1730 Nov. 14, Dec. 12, 1731 Jan. 2, 23; *The Dublin Gazette*, 1730 Nov. 7, 10, 1731 Jan. 9, 12, 16.

The number of capital convictions at the assizes varied then greatly. In Cork at the spring assizes there were in 1725 fourteen, in 1729 one, and in 1732 eighteen.¹ At Wicklow in the spring of 1731 there were two, at Athy in the spring of 1732 one, and at Armagh and Monaghan in the spring of 1733 one each.² It was fortunate that the calendar was often light, for the assizes were made the occasion of much hospitality and gaiety. While going the Leinster circuit, in the spring of 1731, Rogerson was confronted at Wicklow by a charitable assembly, a subscription ball, and a ball given by the sheriff, and in the summer of 1732 he had to endure at Wicklow a ball which did not break up until five in the morning, and at Carlow being kept awake by the sheriff and gentlemen of the county serenading the ladies until the same hour.³ But these festivities sink into insignificance before a demonstration arranged in honour of Reynolds and Attorney-General Jocelyn when going the Munster circuit in the spring of 1732 by the high sheriff, who was a member of the Fitzmaurice family.⁴ This demonstration took the form of a procession which met the justices of assize on their arrival on the border of the county. In it appeared in gorgeous apparel running footmen; grooms leading horses richly caparisoned; the high sheriff on a magnificent steed preceded by a page bearing his wand; trumpeters; livery men on black horses; the Earl of Kerry's gentlemen of the horse, steward, waiting gentlemen and other domestics to the number of thirty-five; the gentlemen of the county; and twenty led horses with field cloths preceding the

¹ The Dublin Weekly Journal, 1725 April 17, 1729 May 10, 1732 April 22.

² The Dublin Intelligence, 1731 March 29; Applebee's Weekly Journal, 1733 April 14.

³ The Dublin Intelligence, 1731 March 29; The Dublin Evening Post, 1732 July 22.

⁴ Applebee's Weekly Journal, 1733 April 7.

judges. Unfortunately the weather was unpropitious and this "pomp and gallantry of equipage" had to proceed in a downpour of rain. At Listowel an entertainment of a hundred and twenty dishes was prepared, but the company had only sat down a few minutes when word was brought that the river was rising, and the judges had to take horse hurriedly in order to reach Tralee that night.

During his tenure of the chancellorship Wyndham acted invariably as one of the three lords justices, by whom Ireland was then governed for two-thirds of the year. He was the second, the first being the primate, and the third the speaker of the house of commons. At first he joined heartily with Boulter in support of the English interest, but a disposition to a more conciliatory spirit is seen in his courting the friendship of the speaker, and afterwards in his entertaining Swift at his table and differing from Boulter as to the degree of encouragement to be given to converts from Roman catholicism.¹ As a consequence he declined in Boulter's estimation, but he did not lose the favour of the ministers of the king, who created him a peer as Lord Wyndham of Finglas, a village near Dublin, before the assembly of the Irish parliament of that reign for its third session. The exceptional dispatch, abilities, and impartiality which he displayed in the discharge of his judicial functions won him high tributes, and his diligence may be inferred from his hearing a matrimonial cause in his own house during vacation, and holding "a public seal" at Celbridge while staying there with the bishop of Ferns.² To Wyndham fell the distinction of joining in the laying of the foundation stone of the famous parliament house in Dublin, as well as of receiving the

¹ Boulter's Letters, ii. 43; Howard's Misc. Gen. et Her., 2 S., iv. 36; Duhigg's History of the King's Inns, p. 280.

² Boulter's Letters, i. 184; The Daily Post Boy, 1731 Jan. 30, 1732 Sept. 23.

freedom of that city and an honorary degree from the University, and the acclamations of the country attended him on a progress to Lough Erne to enjoy the hospitality of his friend, Speaker Gore.¹

In the spring of 1739, Wyndham had the unenviable duty of presiding as high steward at the trial of an Irish peer for murder, and four months later he tendered his resignation to Walpole on the ground of ill-health, which he attributed largely to the fatigue that he had incurred on that occasion. He was then only in his fifty-eighth year and his resignation was entirely unexpected. It was not communicated by him to those likely to succeed him for some days after the dispatch of his letter to Walpole, when he told first Reynolds and afterwards the law-officers.² In Ireland, Reynolds was regarded as Wyndham's obvious successor, but although Boulter, who was in the country, travelled sixty miles in one day in order that Reynolds' appointment might be ensured,³ the prize had already been secured by the great Hardwicke for Jocelyn, who was an old and dear friend, and who had in some way heard of Wyndham's letter to Walpole while it was being written and been able by the same mail to apprise Hardwicke of the vacancy.⁴ On the day after the great seal had been transferred to Jocelyn, which was exactly six weeks after his letter of resignation had been written, Wyndham sailed for England,⁵ and died six years later at Salisbury, where a monument from Michael Rysbrack's masterly hand preserves his memory.

¹ Gilbert's History of Dublin, iii. 73; Records of Dublin, vii. 386; The St. James's Evening Post, 1730 Oct. 15; The Dublin Evening Post, 1732 Aug. 1, 8; The Daily Post Boy, 1732 Aug. 22.

² Howard's Misc. Gen. et Her., 2 S., iv. 54.

³ Ibid.

⁴ Jocelyn to Hardwicke, 1739 July 31, Brit. Mus. Add. MSS., 35586, f. 170.

⁵ Howard's Misc. Gen. et Her. 2 S., iv. 54.

Robert Jocelyn, who entered then on a sixteen years' tenure of the chancellorship, was a scion of a family seated from early times in Essex and Hertfordshire, and was the grandson of one of Charles the Second's baronets, but being the child of a fifth son he derived in early life little benefit from his descent. At the age of nineteen he appears in a London attorney's office with the future Earl of Hardwicke, to whom he stood then in the relation of a close friend,¹ and although he became a student of Gray's Inn in a year, he was not called to the bar until he was thirty. He was called in Ireland, whither he appears to have gone with the entrée to a select circle then formed by the bishops of English birth,² and eighteen months after his call to the bar he married the sister-in-law of one of these prelates, Timothy Godwin, then bishop of Kilmore.³ As Jocelyn was a whig of a moderate type, and Godwin, who had been chaplain to the Duke of Shrewsbury, was not very pronounced in political opinion, they fraternized and were wholly agreed as to the necessity of maintaining the English interest. When a vacancy was expected in the office of counsel to the revenue board, Jocelyn represented to Hardwicke, who was then solicitor-general of England, the propriety of its being held by an Englishman, and Godwin complained to Archbishop Wake that the lord lieutenant was so blind to his duty as to consider the claims of an Irishman.⁴

During this correspondence, when he had been three years in practice, Jocelyn was mentioned by Godwin as one "who had made a greater figure at the bar in Ireland than anyone in many years." In the last

¹ Jocelyn to Philip Yorke, 1708 Sept. 23, Brit. Mus. Add. MSS., 35584, f. 64.

² Bishop Nicolson's Letters, ii. 502, 525, 527.

³ Kilmore Grant Book formerly in Pub. Rec. Off. Irè.

⁴ Brit. Mus. Add. MSS., 35584, f. 223; Bp. of Kilmore to Abp. Wake, 1722 April 11, Lib. Ch. Ch. Oxon.

session of George the First's Irish parliament, he appeared through Godwin's influence as member for Granard, with the result that he became in a few months third serjeant, and after a year's probation in that office, solicitor-general for three and attorney-general for nine years. His wide popularity and high position in Ireland may be estimated from the fact that in spite of his being a member of the executive government, he was tolerated by Swift, who speaks of him as eminent in his profession, possessed of a fair reputation, and long an acquaintance of his own.¹ His public character is set out thus in verses written three years after his appointment to the woolsack, on his being created a peer as Lord Newport : ²

Early for filial piety renowned,
That excellence thy youth with honour crowned ;
Early well read in wisdom's sacred laws,
Thine was the orphan's and the widow's cause ;
When crowds of wealthy clients swelled thy train,
The poor and friendless never sued in vain,
Yet more—thy hand beneficent sustained
The wretch whose right thy eloquence maintained.

When Jocelyn received the great seal in the summer of 1739 only two of the judges, Gore and St. Leger, who had been on the bench when George the Second ascended the throne, remained. It may be convenient, therefore, at this point to recall by a synopsis the constitution of the bench, the judges appointed from the English bar being again marked with an asterisk :

Chancellor	Robert Jocelyn, P.C.
Master of the Rolls	Thomas Carter, P.C.
Chief Justice of the King's Bench	John Rogerson, P.C.

¹ Swift's Corr., v. 373.

² Brit. Mus. Add. MSS., 35587, f. 211.

Justices of the King's Bench	Michael Ward. Henry Rose.
Chief Justice of the Common Pleas	*James Reynolds, P.C.
Justices of the Common Pleas	George Gore. Robert Lindsay.
Chief Baron of the Exchequer	Thomas Marlay, P.C.
Barons of the Exchequer	*Sir John St. Leger. *John Wainwright.

Eight months after Jocelyn's appointment as chancellor, in the spring of 1740, the Irish bar had another victory over the English bar in the choice of a new chief justice of the Common Pleas. As a consolation for being passed over for the chancellorship, Reynolds was given, what was then always the desire of an English barrister on the Irish bench even though it might entail loss of rank, transfer to the bench of his own country, and became, like Gilbert and Hale, a baron of the English Exchequer, a seat in which fell vacant opportunely. To the much coveted chief seat in the Common Pleas, in spite of Irish birth as well as profession, the prime serjeant, Henry Singleton, succeeded. Once the question of nationality was overcome, there could be no question as to his right. He had been over thirty years a barrister, and over twenty-five years a member of the Irish house of commons, and in both arenas he had long been foremost. For fourteen years he had been in rank the chief law-officer, and when the speaker's chair became vacant, on the death of Wyndham's friend, he had only lost election to it by the prestige that attached to the name of Boyle.¹ As a brother-in-law of Lindsay and a tory, he was a much valued friend of Swift, by whom he was pronounced one of the first of the worthiest persons in Ireland, and commended for a multitude of good

¹ Coghill to Southwell, 1733 Feb.-Oct., Brit. Mus. Add. MSS., 21123.

qualities.¹ Although to those who did not enjoy a close acquaintance he appeared proud and haughty, he was far from deserving that character,² and such was his benevolence that within a few weeks of his elevation to the bench, he is mentioned as having expended over four hundred pounds in purchasing oatmeal for the inhabitants of Drogheda, who were suffering, in common with the whole of Ireland, from the terrible famine by which the country was then devastated.³

The fever that attended this famine deprived in 1741 the Irish judicial bench of two of its most important members, Rogerson and Wainwright. In Wainwright's case the fever was contracted in the spring of 1741, in the assize courts of Munster, in circumstances thus related by Jocelyn to Hardwicke in a letter dated at Dublin, March 29 : ⁴

We are at present in a very melancholy way. Two hard winters have undone the lower sort, who, being used to soft seasons for many years, have neglected to lay up a sufficient provision, either for their families or cattle. Potatoes, which are the food of nine in ten of the poor, have failed, and the cattle perish for want of fodder. One of the consequences of this scarcity has been fluxes and fevers, and the last infectious in many places. The numbers of prisoners have been so great that we were under the necessity of sending three judges to Munster and Leinster. Mr. Baron Wainwright, Mr. Attorney Bowes, and Mr. Serjeant Bettsworth went to Munster. By the account I had yesterday from the baron, I am afraid that the serjeant is before this dead, and we have sent a fourth person to finish the business of that circuit. The baron and attorney are worn down, and no wonder since in the county of Cork they have had upwards of four hundred criminals. I am in

¹ Swift's Corr., v. 140.

² Coghill to Southwell, 1733 March 13, Brit. Mus. Add. MSS., 21123, f. 26.

³ The Dublin Evening Post, 1740 June 14.

⁴ Brit. Mus. Add. MSS., 35586, f. 335.

great pain for them. One of the baron's expressions is that they are grievously offended daily with miserable spectacles, expiring wretches and noisome smells. The attorney made it his choice to go that circuit, but the baron undertook it out of good nature, to obviate some difficulties, which must otherwise arise. It would give me inexpressible concern if any misfortune should fall on him in a journey which he had a right to decline unless he received orders from the government, but which he accepted on a principle of humanity. He would not only be a great loss to me on account of our particular friendship, but in my opinion to the public, for I know him to be not only an agreeable man in private, but I think he is in every way qualified to make a considerable figure on the bench.

A fortnight after this letter was written, Wainwright returned from Munster to his country house near Dublin, being then very ill of the fever, and within a week more he was dead and his body on its way to Chester for interment.¹ During his ten years' sojourn in Ireland, he displayed much versatility of mind, attracting men of affairs as well as men of letters, like Swift and Lord Orrery, and in letters which he wrote to England he exhibited himself no less a student of the past than an observer of the present. In an elegy which testifies to his reputation as a judge, and to his charity during the famine, Wainwright's character is thus aptly described :²

A steady heart, discerning and discreet,
 In temper candid, and in manner sweet ;
 With useful arts and truest knowledge graced,
 And what is still more rare, the truest taste ;
 His wit, his own peculiar, yet refined,
 And born to help, interest, and please mankind.

It is not improbable that Rogerson contracted as well as Wainwright the fell disease in assize courts, for he

¹ Pue's Occurrences, 1741, April 11, 14.

² Faulkner's Dublin Journal, 1741, April 25.

had only just returned from holding the summer assizes in the same year on the north-east circuit when his death was announced from a short illness of the fever.¹ That he was not free from apprehension of such a fate may be surmised from his having made a will before leaving Dublin. As a judge he was able to hold his own with his colleagues; his judgement on one occasion, when he was sitting with the chancellor and another chief judge, being singled out for mention as long and satisfactory to the bar.²

A triad of brilliant men, John Bowes, Richard Mountney, and Arthur Dawson came in 1741 on the Exchequer bench as a result of the deaths of Wainwright and Rogerson and of the transfers of Marlay to the seat of the latter and St. Leger to retirement, and that triad continued to preside in the Exchequer for fifteen years. In his life, Bowes had curiously resembled Jocelyn, to whom he was in age but a year or two junior, the chief difference being that Bowes started life with more means and less interest as the son of a member of the Turners' company in London. He arrived in Ireland six years later than Jocelyn as a barrister of the Inner Temple of seven years' standing, and rivalled him in his meteoric rise, for in three years he became third serjeant, in three years more solicitor-general, in nine years more attorney-general, and in two years more chief baron. While solicitor-general he obtained a seat in the Irish house of commons, and he shone there as well as at the bar as an orator. Of his speech at the trial in the house of lords, over which Wyndham presided, Bishop Rundle said that he had never heard or read so perfect a piece of eloquence, unaffected in its illustrations, strong but fair in its argument, faultless in its arrangement, concise in its reflections, and

¹ The Dublin Gazette, 1741, Aug. 30.

² Coghill to Southwell, 1729 March 11, Brit. Mus. Add. MSS., 21122, f. 66.

affecting in the music and grace of its delivery.¹ Mountney was an English barrister, resembling Wainwright in classical scholarship and social gifts, although the latter were of a somewhat lower order. He was a young man of thirty-four, and had a standing of only nine years at the bar, but he had been previously a fellow of King's College, Cambridge, and had demonstrated his attainments by publishing there a classical work which he dedicated to Walpole. His appointment had been made immediately after Wainwright's death, and was due to Hardwicke, who held him in high regard. Dawson was an Irish barrister of eighteen years' standing celebrated for his native wit and for his authorship of "Ye good fellows all." He was the son of Joshua Dawson, long prominent as permanent secretary in Dublin Castle, whose correspondence, which perished in the recent holocaust, was a storehouse of contemporary gossip, and he inherited an estate from his father in the county of Londonderry, which he had represented in the Irish house of commons, where at first he coalesced with the country party. With his wit, he combined "a grave, reserved, and penetrating aspect," and he was in person an extremely handsome man.²

It was before Bowes, Mountney, and Dawson, with a jury of county Meath gentlemen, that on November 11, 1743, the well-known trial in ejectment between Campbell Craig, lessee of James Annesley, and Richard Earl of Anglesey, came.³ The jury included no less than ten members of the Irish house of commons, one being a baronet and another a privy councillor, and as counsel there appeared for the plaintiff the second and third serjeants, a king's counsel and ten juniors, and for the defendant the three other law-officers, the recorder of Dublin, two king's counsel, and eight juniors.

¹ Gilbert's History of Dublin, iii. 94.

² Life of John Carteret Pilkington, p. 84 et passim.

³ State Trials, xvii and xvii passim.

According to the usual practice, it was intended to conclude the trial at one sitting, but at eleven o'clock at night it was found that only a tenth of the witnesses had been examined, and it was decided to adjourn, a course for which there was one precedent. For nearly the whole of nine succeeding days, sitting from twelve to fifteen hours a day, the court was engaged in hearing witnesses, and on the eleventh day it sat at half-past eight in the morning to hear speeches from the counsel, those for the defendant taking eight, and those for the plaintiff five hours. The judges summed up on the twelfth day. Bowes delivered an impartial charge; Mountney leant to the plaintiff; and Dawson favoured the defendant.

The verdict for the plaintiff, at which the jury arrived after two hours' deliberation, was followed in fourteen months, on February 8, 1745, by the prosecution of the defendant's chief witness for perjury in the King's Bench, which had a directly opposite result, as the jury acquitted the traverser. In this case the jury, which was drawn from the county of Dublin, included four members of parliament, one of them being a baronet, and there appeared as counsel for the prosecution, the solicitor-general, the second and third serjeants, a king's counsel and eight juniors, and for the defence the recorder of Dublin, two king's counsel and twelve juniors. On this occasion, no possibility of extending the trial beyond one sitting was suggested. The proceedings began at an extremely early hour, but at nine in the evening the examination of the traverser's witnesses had only begun and it was not until four-thirty the next morning that the jury retired to consider their verdict. They arrived at it in twenty minutes, possibly being accelerated in their deliberations by the pangs of hunger, for although offered it, they had declined refreshment and had been without food for twenty-two hours.

Besides Rogerson, the King's Bench had lost also by death in recent years, Rose, and as constituted for the trial the court consisted of Anthony Marlay, Michael Ward, and Arthur Blennerhassett. In charging the jury, Marlay had only the assistance of Blennerhassett, who, in spite of thirty years' experience at the bar and sixteen in the house of commons, broke down from exhaustion and did little credit to those who had appointed him successively prime serjeant and judge. The result of the trial has been attributed to partiality on the part of Marlay, and corruption on that of Lord Anglesey, but in the opinion of a chief justice of the next generation, Lord Annaly, the verdict in the trial of ejection was not just : ¹

I think I may say that inquiry could not have lasted one hour but for two acts of the late Lord Anglesey : the one was his transporting the lessor of the plaintiff, the other was his carrying on a prosecution against him and endeavouring to have him hanged, and the jury, which consisted of gentlemen of the first fortune and consideration, concluded that he never would have acted in that manner or taken those steps if he was not convinced that the lessor of the plaintiff had a good title to his estate. Though this verdict was given by gentlemen of great consideration in their county and after a very long enquiry, yet when people's imagination began to cool and their prejudices to wear off, the danger of dwelling too much upon conjectures of this sort and departing from the rules of evidence, clearly appeared, and I believe there is not a man in the kingdom, who does not now consider the whole story of James Annesley as a mere fable.

In the Common Pleas as well as in the King's Bench and Exchequer during these years, changes had come in the puisne judges, and at the beginning of 1746 Henry Singleton, William Yorke, and Robert French constituted the bench. Yorke had come into the court

¹ Proceedings before the Lords' Committees for Privileges upon the claims to the title of Viscount Valentia, *Dubl*, 1773, *App.*, p. 7.

nearly three years before through the death of Lindsay, and French in the last term of the previous year through the resignation of Gore, who for no less than five years had been unable to go circuit. In the case of Yorke, who was a member of the English bar, the necessary interest was found through his kinship to Hardwicke, and in the case of French, who was a member of the Irish bar, the choice was limited to him, as Gore, who was his uncle, was not willing to retire in favour of anyone else. As regards age, these judges showed a striking diversity, Yorke being forty-six, French fifty-six, and Singleton sixty-three, and no less variety was visible in their qualifications, for Yorke was but a mediocre and French an inefficient lawyer, while Singleton was an eminent one. By Singleton's capacity Yorke was much impressed. Within a few months of his arrival, while fresh from the bench and bar of England, he wrote to Hardwicke,¹ that in his chief he had a man of great abilities as well as amiability, and that he wished the business of the court made the delivery of Singleton's opinions more frequent than it did.

At the same time, Yorke wrote to Hardwicke that he thought himself happy in his change of life. His station admitted him, he said, freely into the best society, in which law and divinity were predominant and many learned and agreeable men were to be found. The custom as to "entertainments from house to house" was not so congenial to him, but as the fashion of "bumpers and drinking in equal quantity" was exploded, the only inconvenience was one of temptation. He says that provisions were certainly cheap, which led to tables having twice as much on them as there would be in England, but house-rent was little less than in London and the cost of the better sort of apparel higher.

Newport, to call Jocelyn by the title that he then bore, was a social asset. He was naturally hospitable,

¹ Brit. Mus. Add. MSS., 35587, f. 182.

and entertained his more intimate friends weekly, at what he called his Friday and Sunday clubs. In this circle judges of Irish as well as English birth were prominent and also members of the episcopal bench. Besides his town residence, which was in St. Stephen's-green, he rented near Dublin, Mount Merrion, known in recent times as Lord Pembroke's Irish seat, where he spent much of his time.¹ Many of the judges had then country houses in the vicinity of Dublin. Wainwright had preceded Newport in the occupancy of Mount Merrion; Marlay inhabited the home of Swift's Vanessa at Celbridge; Bowes had a house at Island-bridge; Singleton one at Drumcondra; and Yorke one at Rathmines.² Bowes and Singleton were constant to the single state, but as a rule such judges as were not already provided with wives quickly found them. Little more than a year after his arrival in Ireland, Yorke was married to a niece of Singleton's, a widow with a jointure of a thousand pounds a year,³ and within a few months of his appointment, Blennerhassett married also a widow, described as a beautiful lady with a large fortune.⁴

Before entering on the last decade of George the Second's reign it may be interesting to show again in the form of a synopsis the changes that ten years had made in the constitution of the bench, the judges appointed from the English bar being once more marked with an asterisk :

Chancellor	Robert Jocelyn, Lord Newport, P.C.
Master of the Rolls	Thomas Carter, P.C.

¹ Co. Dublin, ii. 86.

² See for Marlay's residence at Celbridge Grattan's Memoirs, i. 37, and for the residence of the other judges at the places mentioned, Co. Dublin, ii. 86, 107; iv. 160, vi. 171.

³ Pue's Occurrences 1744, Sept. 11; cf. The Dublin Gazette, 1741, Oct. 2.

⁴ Pue's Occurrences, 1743, July 2.

Chief Justice of the King's Bench	Thomas Marlay, P.C.
Justices of the King's Bench	Michael Ward, Arthur Blennerhassett.
Chief Justice of the Common Pleas	Henry Singleton, P.C.
Justices of the Common Pleas	*William Yorke, Robert French.
Chief Baron of the Exchequer	John Bowes, P.C.
Barons of the Exchequer	*Richard Mountney, Arthur Dawson.

When charging the Dublin city and county grand jury in Michaelmas term, 1749, Marlay made a reference to what Newport described as "the hardihood of a magnificent apothecary, dexterous in all the arts of popularity in reviving the old Irish principles of independency and disaffection,"¹ and earned thereby the good-will of the government and the ill-will of the friends of Charles Lucas, who had gone then into voluntary exile. At the time Marlay was not well, and two years later, having been on five occasions unable to go circuit, he retired on pension. He survived his resignation for five years, until the summer of 1756, when his death occurred at Drogheda, where he was staying with Singleton, who had a house there. He was commemorated in *Faulkner's Dublin Journal*² by the following lines :

What, Marlay gone ? O Death ! how do I grudge
 Thy prize, the scholar, gentleman, and judge,
 Of manners easy and of taste refined,
 The sweetest picture of the sweetest mind ;
 Soul of true humour, yet in sense a sage,
 The Pollio and Mæcenas of the age,
 Gentle he lived and as he lived he dies,
 Said " God be with you," and so closed his eyes.

¹ Jocelyn to Hardwicke, 1749 Oct. 24, Brit. Mus. Add. MSS., 35590, f. 422.

² 1756, July 10.

In Marlay's room the attorney-general, St. George Caulfeild, a son of the former judge of that name, was raised to the bench. He was over fifty years of age, and had been attorney-general, a position in which he succeeded Bowes, for ten years. Like Singleton, he was esteemed by judges of English birth, and is classed with the best members of the Irish bench in lines on Dublin celebrities entitled "The Goose Pye," which foretells the wonderful :

When Newport fails in judgement or decrees,
Or does one thing his country to displease ;
When Carter lives beloved, or when he dies
Shall find one single friend to close his eyes ;
When out of nine, one judge his knowledge shows,
But Caulfeild, Dawson, Singleton, and Bowes ;
When bearish Ward, or harmless Hassett can,
Or booby Yorke, produce another man,
Or snarling, bridling, self-corroding French,
To equal them in ignorance on the bench.

About the time that Marlay retired, in the summer of 1751, Yorke began to think that promotion was due to him. Although not so old or disabled as Marlay, Singleton seemed then to be sinking apace, and had already spoken of retiring. He held on, however, for two years more, when in spite of a visit to Spa, he appeared in even a more declining way. Yorke then became insistent in his claims to be Singleton's successor and detailed to Hardwicke the obstacles that he feared in the pretensions of the law-officers, and his own unpopularity as one who had remained true to the English interest. Six months later, in the summer of 1753, having secured from Singleton a promise to retire in his favour, Yorke went to London and spent an anxious three months in negotiations which terminated in his kissing the king's hand as chief justice of the Common Pleas.¹ In his room as puisne judge there

¹ Yorke to Hardwicke, 1751 to 1753, Brit. Mus. Add. MSS., 35590-2.

came on that bench Vanessa's executor, Robert Marshall. His right to a seat was certainly not less than that of Yorke or French, whether viewed politically or professionally. In the house of commons, of which he had been for twenty-six years a member, after coquetting a little with the country party, he had been a stalwart in the court ranks, and at the bar, he could point to his having held for fifteen years the title of serjeant, and to his having led for the plaintiff in the Annesley peerage case. Besides, he had to his credit his marriage to a lady reputed to be worth thirty thousand pounds.¹

The conflict between court and country with Primate Stone and Speaker Boyle as organizers of the respective parties was then raging, and early in the year 1754, Carter, who was one of Boyle's chief lieutenants, was deprived of the mastership of the rolls for having engineered the defeat of the court party on a money bill. Since the post vacated left nothing to be desired as a refuge for an invalid, it was conferred upon Singleton. By lengthened residence at Bath, his life was prolonged for five years,² and until his death the emoluments of his new office added to means that were already very large.

During the changes of the Stone and Boyle period, Newport's position in the government was the only one unaffected. He was in the highest degree conciliatory in temperament, and he was thus enabled to retain the confidence of successive chief governors. While they were absent he acted, like Wyndham, invariably as a lord justice, for many years as the second, but afterwards occasionally as the first, and in that capacity as well as in those of chancellor and speaker of the house of lords, he proved unexceptionable and received the highest encomiums. In policy

¹ Exshaw's Mag., 1741 Oct.

² Yorke to Hardwicke, 1754 to 1759, Brit. Mus. Add. MSS., 35593-6.

he remained to the end an Englishman, but in love for his adopted country he had become an Irishman. He was scrupulous in his examination of every question in which her economical or social interests were concerned, and as president of the Physico-Historical Society, he promoted research into her past. His office was maintained with dignity, his chaplain, Isaac Mann, afterwards bishop of Cork, his purse-bearer, Isham Baggs, and his house steward, Wilde, were in their several spheres great personages, but his own tastes were simple and his leisure hours were spent in the Mount Merrion fields. Domesticity was with him a passion. Eight years after he attained to the woolsack his life was darkened by the death of "the best of wives,"¹ but consolation came to him four years later in the marriage of his son, his only child, to the daughter and only child of the Earl of Clanbrassil. His renewed happiness led to his making what was considered a most wise second marriage, to the widow of a peer, and to his accepting advancement in the peerage, which he had before declined, with the title of Viscount Jocelyn. But his health, which had been hitherto good except for some suffering from gout, began to fail, and at the close of the year 1756, he died in London where he had not been for eighteen years, but whither he had gone three months before for medical advice.

In Ireland Bowes was at once hailed as chancellor, and the assumption proved right. His strength lay in the difficulty of getting anyone of abilities commensurate with his own to come from England, and in his popularity in Ireland with the country as well as the court party, owing to his having declared himself in spirit an Irishman. It was astonishing that he should have been alive to accept the great seal, still more that he should have survived its acceptance as he

¹ Jocelyn to Hardwicke, 1748 Feb. 23, Brit. Mus. Add. MSS., 35590, f. 18.

did for ten years. While chief baron, his infirmity of body rendered at one time his death or resignation a matter of imminent expectation,¹ and while chancellor his legs were so swelled as to be as large at the ankles as at the calves.² Still, at no time does his health seem to have been allowed to keep him from court, and while chief baron, his name is only absent from the circuit list a few times, when he had probably gone to one or other of the spas.

Bowes's successor in the Exchequer, Edward Willes, a cousin of Sir John Willes, then chief justice of the Common Pleas in England, was sent over from the English bar, where he held the office of king's serjeant. For the chief seat, Mountney had been an aspirant and attributed his failure to "engines of calumny and malice set at work by professed enemies and pretended friends." Amongst them he included, no doubt, Bowes, with whom his relations had never been cordial, and from whom it was believed he would receive anything but a helping hand.³ Nowadays it would be a matter of surprise if it had been otherwise, for by the next generation it was said that he understood red wine, no less than black letter, better than any of his contemporaries.⁴ Seven years after he came to Ireland he is found frequenting a punch-house kept by Jocelyn's purse-bearer, a gentleman of excellent humour as well as character, who knew how to brew a mug of rare rum,⁵ and nineteen years after he first saw the Irish shore, he was recorded in the Westmeath grand jury book to have been drunk at the spring assizes.⁶

¹ Abp. Stone, 1747 May 14, Brit. Mus. Add. MSS. 32711, f. 19.

² Mrs. Delany's Corr., iii. 554; cf. Yorke to Hardwicke, 1759 April 11, Brit. Mus. Add. MSS. 35595, f. 214.

³ Yorke to Hardwicke, 1756 Dec. 16, Mountney to Hardwicke, 1757 Jan. 8, Brit. Mus. Add. MSS., 35594, f. 364, 35595, f. 8.

⁴ Barrington's Personal Sketches, i. 256.

⁵ The Irish Builder, 1896, p. 70.

⁶ Lyons's Grand Juries of Co. Westmeath, p. 270.

In the closing years of George the Second's reign, death and resignation caused many changes amongst the judges. The King's Bench lost in 1758 by death Blennerhassett, who was carried to his grave with great funeral pomp;¹ in 1759, also by death, Ward, who is said in an obituary notice to have displayed during his thirty years' tenure of office the utmost probity and assiduity;² and in 1760, by resignation, Caulfeild. At the time of his resignation, Caulfeild is applauded by Samuel Derrick, Beau Nash's successor at Bath, for his conduct of a trial for abduction, in which he restrained the cross-examination of the victim.³ "Ask your own heart," he is reported to have said to the counsel, "if anyone who had the feelings of honour, or the least touch of compassion, could ever think of putting so much innocence and so much beauty to the blush." The "good old man," who survived his retirement fifteen years, disputes also with Charles Wesley the composition of a grace.⁴ As a result of these losses at the close of the reign, the King's Bench had as its judges, Warden Flood, who had earned the chief seat as attorney-general, Christopher Robinson, who had earned the second seat unconventionally by support of the government as a pamphleteer, and William Scott, who had earned the third seat conventionally by support of the government in the Irish house of commons, while the rolls found their master in Richard Rigby, whose celebrity in England was immense, but in Ireland microscopical.

¹ Pue's Occurrences, 1758, Jan. 7.

² Ibid., 1759, Feb. 24.

³ Derrick's Letters, i. 61.

⁴ Gentleman's Mag., 1802, p. 630; Chambers's Journal, 1887, p. 319.

CHAPTER III

THE COUNTRY ON ITS TRIAL

SOVEREIGN—GEORGE III. YEARS—1760 TO 1800

It is difficult for the present purpose to maintain proportion in treating of the age of Grattan. Irish imagination has been wont to draw from that period its personification of the just and of the unjust judge, and eloquence, passion, and exaggeration have tended to obscure the characters of the chief judicial personages. Inevitably one associates the names of Burgh, Yelverton, Plunket, and Bushe with words of eulogy, the names of Scott, Carleton, Fitzgibbon, and Toler with words of vituperation, and the name of Wolfe with words of apology for his fate.

Analogy is rendered also difficult by the freedom with which the fountain of honour flowed during the first forty years of George the Third's reign for members of the Irish judicial bench. From the beginning of the reign of William and Mary, when every member of the bench was either a knight or a baronet, the fountain of honour had flowed but sparsely and partially. With the exception of the baronetcy given by Anne to Sir Gilbert Dolben, titles had been only conferred on the chancellors, and not always on them. During a period of over sixty years, in the case of nine chancellors, there had fallen to three no title, to one a knighthood, to another a baronetcy, to two a barony each, and to two both a barony and a viscounty each. But within forty years from George the Third's accession there fell no less than six baronies, four viscounties, and an earldom to the chief judges, besides two baronies, two

viscounties, and an earldom to the chancellors, and a baronetcy to a puisne judge.

From the succession of the Stuarts to the English throne until the legislative union of Ireland with Great Britain, the speakership of the Irish house of lords was an avenue for the chancellors of Ireland to the fountain of honour, but until the close of that period Irish political life had no part in the conferring of titles on other judicial personages in Ireland. The knighthoods so frequently conferred on the judges in the seventeenth century had their origin either in reputation gained at the bar, or in service rendered on the bench, and the hereditary honours occasionally conferred on them in that century originated also in one or other of the same reasons combined with the possession of wealth. Under the first Hanoverian sovereign, although no title was conferred on any acting member of the bench, one of the displaced barons of the Exchequer, Sir Henry Echlin, was created a baronet, and Sir Gilbert Dolben enjoyed a baronetcy conferred on him for his services in the English parliament, Sir John St. Leger a knighthood conferred on him as one of William the Third's young favourites, and Sir Richard Levinge a baronetcy conferred on him while solicitor-general as compensation for slow promotion.

The conferring of a baronetcy on Sir Henry Echlin as an ex-judge, has only one parallel¹ in the eighteenth century, and the ground on which the favour was shown to him is not apparent. He was no doubt entitled to reparation for the unjust imputation of disloyalty to the Hanoverian succession, but his contemporary on the bench, the Honourable Thomas Coote, was equally so, and received none. In respect of position and wealth Coote's claim to favour was far stronger than that of Echlin. As an ex-judge Coote sat in the Irish parliament for many years, was owner of a seat that

¹ In the case of Sir William Yorke.

Mrs. Delany ranked amongst the first in Ireland,¹ and was active in promoting the economic resources of that country.² On the other hand Echlin lived in retirement, and gave no ostensible proof of the possession of large means.³ Even more remarkable than the preference shown to Echlin over Coote was that shown to him over judges appointed after the Hanoverian succession. William Whitshed, George Gore, Michael Ward, Henry Singleton, St. George Caulfeild, and Robert Marshall were all men of exceptional wealth, Singleton's assets being estimated at about a hundred thousand pounds,⁴ and Caulfeild's at two hundred thousand pounds,⁵ yet no honour came to any one of them.

At the close of the year 1760, when George the Third ascended the throne, the bench was constituted, as the last chapter has shown, in the following manner, the judges appointed from the English bar being again marked with an asterisk :

Chancellor	John Bowes, Lord Bowes, P.C.
Master of the Rolls	Richard Rigby, P.C.
Chief Justice of the King's Bench	Warden Flood, P.C.
Justices of the King's Bench	Christopher Robinson, William Scott.

¹ Mrs. Delany's Corr., 1732 Aug. 26, i. 376.

² See Instructions for the Cultivating and Raising of Flax and Hemp, in a better manner than that generally practis'd in Ireland, by Lionel Slator of Cabragh in the county of Cavan, Flax and Hemp Dresser to the Honourable Thomas Coote of Coote-hill in the said County, *Dubl.*, 1724.

³ But his will, which was formerly preserved in the Irish Public Record Office, showed that at the date of its execution, 1722, Jan. 29, his real estate was considerable. The warrant for his baronetcy was dated in 1721 on Aug. 7, and his death took place in Dublin at his house near St. Mary's Abbey, when he had reached an advanced age, in 1725 on Nov. 29.

⁴ Yorke to Hardwicke, 1759 Nov. 10, *Brit. Mus. Add. MSS.*, 35596, f. 33.

⁵ *Exshaw's Mag.*, 1778, p. 368.

Chief Justice of the Common Pleas	*William Yorke, P.C.
Justices of the Common Pleas	Robert French, Robert Marshall.
Chief Baron of the Exchequer	*Edward Willes, P.C.
Barons of the Exchequer	*Richard Mountney, Arthur Dawson.

The members of the Irish judicial bench were then, at least for that period, advanced in years. Bowes was sixty-nine, French, the senior judge, was seventy, Robinson, the junior judge, was forty-eight, and the only member who could be considered young was the sinecurist Rigby, who was thirty-eight. In ten years only Robinson, Scott, and Rigby, still held office. In 1761 Yorke and French resigned, in 1764 Flood died, in 1766 Willes and Marshall resigned, in 1747 Bowes died, and in 1768 Mountney died and Dawson resigned,

At the opening of the reign the Irish government was divided as to the policy to be pursued in connexion with the claims of the Irish house of commons to originate money bills, and on changes being made in the personnel, Yorke, who took a prominent part in the privy council, was given the office of chancellor of the Exchequer, which had been previously held by Anthony Malone. To Yorke the change of sphere, which was gilded by a grant of a baronetcy, was most congenial, for his health and disposition had made circuit a most irksome duty, and on that account he had sought to succeed Singleton in the mastership of the rolls.¹

To fill Yorke's seat in the Common Pleas, the promotion of Dawson was proposed from Ireland, and the appointment of Blackstone, then Vinerian professor at Oxford, or of a former fellow of Trinity College at Cambridge, desired in England,² but ultimately the seat

¹ Yorke to Hardwicke, 1758 June 15, 1759 April 11, Brit. Mus. Add. MSS., 35595, ff. 214, 358.

² Same to same, 1761 April 28, *ibid.*, 35596, f. 310.

was given to an English king's counsel of one year's standing, Richard Aston, who became afterwards as an English judge notorious in connexion with the charges of corruption which followed Wilkes's trial. During the three and a half years that he spent in Ireland, Aston incurred the hostility of the ruling class. Their ill will was excited by what they considered his undue lenity in the punishment of those convicted of whiteboy offences, and by attempts made by him to reform the grand jury practice of relying on depositions instead of on oral evidence. His lenity would now hardly be considered remarkable, for it did not prevent the execution of ten men at one time, but so much did it affect the populace that men, women, and children lined the road as he passed, and kneeling down prayed that the divine blessing might rest upon him.¹

In the chief seat of the Common Pleas, Aston was succeeded for five years by another English barrister, Richard Clayton, who earned in Ireland a reputation for naïveté, but who was said by Lord Clare to have had no superior as a judge and an honest man.² At the time of his appointment he was a bencher of the Inner Temple, and was connected with Lancashire as recorder of Wigan, which he had for some years represented in parliament, and as owner of Adlington. It was before Clayton in Clonmel, at the spring assizes of 1766, that the trial of Father Sheehy, which became proverbial in Ireland for injustice, took place, and it was followed a few weeks later by the trial before him, under a special commission, of the priest's cousin, at which the procedure is also questioned. The priest's cousin testified, however, in a petition after his trial to his sense of Clayton's mercy, humanity, and justice.³

¹ Edmund Burke's *Corr.*, i. 37; Crawford's *History of Ireland*, ii. 318.

² Duhigg's *History of King's Inns*, p. 328; *Parliamentary Debates, Ire.*, House of Lords, 1784, March 2.

³ London newspapers, 1766, March 25 to June 2; Madden's *United Irishman*, 2nd ed., 1 S., i. 70.

When superseded in favour of Yorke, Anthony Malone had held the office of chancellor of the Exchequer but a few years, his appointment to it having taken place six months after that of Edward Willes, as chief baron, in the autumn of 1757. As Yorke told Hardwicke in the following summer,¹ it had resulted in a situation, which he believed was agreeable to the majority of the country, but which seemed at first a surprising phenomenon to men like himself, although time had somewhat reconciled them to it :

It is the present chancellor of the Exchequer sitting constantly on the bench in all equity cases as the head of the court, as he certainly is, and taking the lead, of which he is thought very capable. However, it is quite new here, as much as it would be in England. Many causes are assigned for this gentleman's taking a trouble upon himself, which was not expected, and perhaps not one true one, but it is certain that power and influence will follow such an intervention, and they are objects as much coveted in this meridian as any I can name. This novelty overshadows the chief baron, though he affects to be little moved thereby, but if what I just now heard shall come out to be true that the chancellor claims many perquisites always till now enjoyed by the chief baron, it is possible some discontents may ensue. The chief baron purposes to go to England this vacation, and if he hath the honour to find your lordship in London, it is probable he may mention this matter more fully.

After this letter was written, by way of supplementing his official emoluments, Malone started, with the vice-treasurer and the counsel to the revenue commissioners, a bank in Dublin. So long as all went well, Malone's employment as a banker was considered quite legitimate, but unfortunately within a year the bank stopped payment, and speculation arose in Ireland as to what people in England would think of persons of such rank and station becoming bankrupt. On the day the bank

¹ Yorke to Hardwicke, 1758 June 15, Brit. Mus. Add. MSS., 35595, f. 214.

closed in the autumn of 1759, Yorke wrote to Hardwicke :¹

Some speak plainer than I understand in regard to the connexion between the treasury and this bank ; however I believe it is too true that the public coffers are very empty.

Four months later Yorke referred again to the subject thus :²

Mr. Malone attended very little as chancellor this last term. Ill-health might be some impediment, but I should think some other motives might prevent him from persevering in a business, which no one in that place ever thought it their duty to attend before, and it is my opinion, and that of many others, that he himself had other views than that of doing his duty. For some years to come, it is probable that many causes in that court and in chancery will be blended with, and have some mixture with, this bankruptcy, and how proper it may be for one so nearly concerned to sit as judge, every one is capable of determining, but a true Irishman had rather be hanged by a judge, his countryman, than be transported by an Englishman, and that is the reason why the Irish attorneys are so fond of their countrymen.

It was unfortunate that Willes, who remained nine years in Ireland, should have been associated with Malone, for his abilities have suffered in public estimation by comparison with the genius of the man who was for a short time his colleague. As he had held the office of king's serjeant before going to Ireland, Willes cannot be doubted to have been a competent lawyer, and he was certainly a man of great mental activity and discernment, as well as honesty of purpose. He stands alone amongst the members of the Irish judicial bench sent from England in having recorded

¹ Yorke to Hardwicke, 1759 Nov. 10, Brit. Mus. Add. MSS., 35596, f. 33 ; cf. Notes and Queries, 8 S, viii. 361, 423.

² Same to same, 1760 Mar. 3, *ibid.*, f. 98.

systematically his impressions of Ireland from a social and economic point of view, and he has left proof in his collections that he possessed not only the qualities mentioned, but also those of a scholar and accomplished writer.¹ While still on the bench he broke down in health, owing, it is said, to his assiduity,² and he retired on pension to the seat of his family, Newbold Comyn, at Leamington, where he died two years later.³ In private life he was much honoured and beloved, and inculcated high traditions which were exemplified in the lives of his descendants.⁴

While Willes was in Ireland the amelioration of the laws affecting Roman Catholics began to be advocated, and more than one debate took place on questions affecting them. At that time Bowes declared from the bench that the laws did not presume a Roman Catholic to exist in Ireland, nor could one breathe there without the connivance of the government, and is said to have had the concurrence of Robinson in that declaration.⁵ As a body the members of the Irish judicial bench were unfavourable to any change in the laws. While he was a law-officer, Bowes had been prominent in upholding the acts to prevent the growth of popery,⁶ and while he was chancellor, although he showed himself not intolerant to Roman Catholics in connexion with a proposal to raise a corps of them for service in Portugal,⁷ he opposed a bill for legitimatizing the vocation of priests by a system of state registration. In this opposition he was strongly supported by Willes, who was of opinion that the bill would prove "a toleration of that religion

¹ Brit. Mus. Add. MSS., 29252; Hist. MSS. Com. Rept. 2, App., p. 103; Rept. 3, App., p. 435.

² Field's Account of Leamington, p. 330.

³ Faulkner's Dublin Journal, 1766, Dec. 9, 1768, July 12.

⁴ Memoirs of Parr, i. 204.

⁵ Plowden's Historical Review of Ireland, i, App. lxiii; cf. Lecky's History of Ireland, i. 146.

⁶ Hist. MSS. Com., Various, vi. 63.

⁷ Lecky's History of Ireland, ii. 186.

which it had been the general policy of England and of Ireland to persecute and depress.”¹

Although he was given a barony within eighteen months of his elevation to the woolsack, Bowes did not, like his predecessor Jocelyn, attain at once to a major part in the government of Ireland, and was not included in the number of the lords justices until after the death of Primate Stone. His exclusion was based on the necessity of associating the ex-speaker as well as the speaker with the primate during the absences of the lord lieutenant, but it would not improbably have been demanded by Stone in any circumstances. Bowes had been in favour of repeal of the test,² and in a letter written early in 1753 to Dr. Birch on his *Life of Tillotson*, he discloses himself as a severe critic of the established church in Ireland.³ After applauding the archbishop's temper and discretion, he writes :

If his sentiments of residence and the episcopal trust as to advowsons could be propagated, especially in this country, they would wonderfully conciliate the minds of the people to the clergy in general, stop the too frequent disputes of dues, and, if anything but an increase of property can, make a protestant commonalty in this country. This alone can convince them of the social benefits intended by our establishment, and make them ready to pay what the law has allotted for the support of it, by creating in them an esteem for those who are to receive it. At present, here especially, sinecures are the desirable stations, and by a sort of common consent, all the livings of value that will support curates are reduced to that class. I have lived here, where we are at least three-fourths papists, going on twenty-seven years, in which time I have never heard of a convert upon principle. There are frequent legal converts, and within these few days the celebrated comedian,

¹ Duke of Bedford's Corr., ii. xv.

² Coghill to Southwell, 1733 Dec. 13, Brit. Mus. Add. MSS., 21123, f. 76.

³ Bowes to Birch, 1753 Jan. 17, Brit. Mus. Add. MSS., 4301, f. 225.

Mrs. Woffington, [a step] imputed to her expectation of an estate from old Swinny of the Muse.¹

In regard to affairs of state, Bowes did not also always see eye to eye with Stone, and in one letter he hints that the lord lieutenant was likely to obtain more honest advice from the chancellor than from the adroit primate.²

No judicial personage in Ireland has received during his lifetime a greater eulogium than was accorded to Bowes by the editor of an edition of the Irish Statutes that was published at the close of Bowes's life,³ and the words bear the impress of truth. It was not a mere lip-server who affirmed that the key to Bowes's greatness was "a zeal and warmth and passion for justice," or who dared to assert that Bowes's decisions had given authority to law and that his conduct had entitled him to the filial duty and affection of the bar. As chancellor Bowes aimed, this writer says, to make his court a terror to fraud and a protection to honesty, and as a politician, he knew no distinction of party so long as the constitutional connexion of Great Britain and Ireland was maintained.

It is probable that Bowes had no desire to add to his judicial duties the cares of state. The ferment that arose in the Irish government after the accession of George the Third was, he said, neither suited to his principles nor years,⁴ and while he was chancellor his health necessitated his going twice to English spas as well as to an inaccessible Irish one, called Swanlinbar.⁵ He reached, however, the age of seventy-five. Accord-

¹ An annuity was substituted for the estate.

² Hist. MSS. Com., Various, vi. 75.

³ See dedication of a former edition, by Francis Vesey, in *The Statutes at Large passed in the Parliaments held in Ireland*, Dublin, 1786.

⁴ Hist. MSS. Com., Various, vi. 77.

⁵ York to Hardwicke, 1758 July 20, Brit. Mus. Add. MSS., 35595, f. 243.

ing to rumour he died worth two hundred thousand pounds, and had enjoyed as chancellor an income of six or seven thousand pounds a year.¹ His will² evinces his gift for friendship in his recollection of friends ranging from the archbishop of Canterbury to a man-cook, and no less his love of the fine arts in bequests of portraits by Reynolds and Whood, and a picture by Raphael.

Ten years after the accession of George the Third, at the close of the year 1770, the bench was, with the two exceptions marked with asterisks, wholly Irish :

Chancellor	*James Hewitt, Lord Lifford, P.C.
Master of the Rolls	*Richard Rigby, P.C.
Chief Justice of the King's Bench	John Gore, Lord Annaly, P.C.
Justices of the King's Bench	Christopher Robinson. William Henn.
Chief Justice of the Common Pleas	Marcus Paterson, P.C.
Justices of the Common Pleas	Thomas Tenison. Edmund Malone.
Chief Baron of the Exchequer	Anthony Foster, P.C.
Barons of the Exchequer	William Scott. George Smyth.

These names mark a fresh era in the history of the bench. Henceforth, as a rule, an English element is alone visible in legal education, and the Irish element is dominant alike in family, in birth, in general education and in influence. At the same time the professional element begins to overshadow the extraneous attributes. In the case of the judges now under consideration, excluding the chancellor and the master of the rolls, all belonged to families that had been for several generations in Ireland ; all had Irish parentage, Gore and

¹ Pue's Occurrences, 1767 Aug. 8.

² Formerly preserved in Pub. Rec. Off. Ire.

Malone as sons of Irish barristers, Robinson as son of an Irish physician, Henn, Paterson, Tenison, and Foster as sons of Irish landowners, and Scott and Smyth as sons of Irish clergymen; all, excepting Malone, were alumni of Dublin University; and all, excepting Robinson, had won laurels in the Irish house of commons. Professional absorption was complete, not only in their cases, but also in that of the chancellor, and the only one that attained a shadow of celebrity outside the bar and bench was Foster, who was pronounced by Arthur Young to be "a prince of improvers."¹

On Bowes's death in the summer of 1767 the political situation led to four months' delay in the appointment of his successor. Lord Bristol, who was then lord lieutenant, and Lord Townshend, who became lord lieutenant a month later, were in favour of the appointment of an Irishman; but English ministers, including the chancellor and ex-chancellor, Lord Camden and Lord Northington, were in favour of the appointment of an Englishman. Apart from the question of nationality, the selection of an Irishman presented no difficulty. Although he had made no application for the seals, Anthony Malone, who held then a patent of precedence at the Irish bar, was universally admitted to have every qualification for the office of chancellor, and the attorney-general Philip Tisdall, and the prime serjeant Hely Hutchinson, were held by many to be little inferior in fitness. On the other hand, the dearth of eligible candidates for the place in England was great owing to the uncertainty then as to pension and the dislike of expatriation.² Finally, on the English party carrying the day, the choice fell on a friend of Camden's, James Hewitt,

¹ Young's *Tour in Ireland*, 1892, i. 110.

² Campbell's *Lives of the Chancellors*, v. 269; cf. *The Grenville Papers*, iv, *passim*, and MSS. of Earl of Donoughmore, pp. 260, 261. The number of persons to whom rumour gave the office was enormous; see *Pue's Occurrences*, 1767, Aug. 4 to Sept. 29.

then a justice of the King's Bench, whose appointment as chancellor was derided by Lord Mansfield.¹

Hewitt's reputation in England was then that of a dull, heavy lawyer, who had proved a bore in the house of commons, and by birth, education, vision, and practice he had not one quality to entitle him to be chancellor of Ireland. His early environment had been the trade of a provincial town, traces of which survived in his epistolary style, his outlook was bounded by the rewards of industry and rectitude, and his practice had been in common law. All that could be said for him was that he had been found a safe man both at the bar and in parliament, and had given valuable support to his leaders. By family as well as by birth he was connected with Coventry, of which town his father had been mayor, and he had received training in a Warwickshire attorney's office before entering the Middle Temple. At the age of twenty-seven he had been called to the bar, at forty he had attained to the coif, at forty-six he was both king's serjeant and member for Coventry, and at fifty-one, the year before he went to Ireland, he was given a seat in the King's Bench on the elevation of Camden to the woolsack.

But Camden was right and Mansfield was wrong, for Hewitt, who was created a peer as Lord Lifford on his appointment as chancellor at the close of 1767, was the man that was required. Within two years of his arrival in Ireland his remuneration as speaker of the house of lords was doubled at the request of the house,² and within five years the following testimony of his work was given by the prime serjeant, who had been his rival and saw then a prospect of becoming his assistant :³

In answer to your question about the chancellor, he does his business very ably and expeditiously, and to the general

¹ The Grenville Papers, iv. 232.

² Lords' Journals, Ire., 1768, May 9; 1769, Dec. 18, 20.

³ MSS. of Earl of Donoughmore, p. 275.

satisfaction of suitors and practisers in this country, where he is much respected and a very popular character, and is, in his public and private deportment, a most worthy, honest, and amiable man. However, we have made him a better chancellor than we found him, and he has improved his feet by training. There was an arrear, but incurred for the most part during the vacancy, and he discharged the whole, and heard every cause that was ready, and every motion, in the sittings after last Trinity term. There is no incapacity in him, but very much the reverse, nor any dissatisfaction, unless in some of us, who wish for his place. Thus far disinterestedly and impartially, but as to what you say of a judge assistant, consider my sentiments as those of an interested man. All the business of a most litigious country goes into chancery, the exchequer is *vox et præterea nihil*, that is a place only for talking and attorneys to get money in it. The whole then falls on the chancellor's shoulders. The business is too great for the strongest man in body and mind that ever existed to dispatch, allowing reasonable vacations, and with a strict attention to the avocations of the house of lords, the privy council, the cabinet, and the public accounts. Lifford is a very pretty Atlas, but I want to be his Hercules, and to take the heaven now and then upon my back, but he thinks his own strong enough for all these purposes. The Lady Lifford is young and handsome.

Lord Annaly, the chief justice of the King's Bench, was the very reverse of Lord Lifford, and owed his honours chiefly to his high breeding and lively wit. As a Gore, he entered life with the whole of Ireland at his feet, and as son of the much-loved judge of early Hanoverian times, he enjoyed a fortune of three thousand pounds a year,¹ and a noble demesne with two miles of avenue to be cleaned and ten miles of hedges to be clipped.² His character may be gathered from his being known as Jack,³ a familiarity that none would

¹ Yorke to Hardwicke, 1759 Nov. 10, Brit. Mus. Add. MSS., 35596, f. 33.

² Chief Baron Willes to Earl of Warwick, 1762 Sept. 20, Brit. Mus. Add. MSS., 29252.

³ MSS. of Earl of Donoughmore, p. 235.

have been inclined to take in the case of Lifford, as well as from the pages of *Baratariana*, where he figures as Baron Goreannelli, the inquisitorial justiciary, by race an Italian and in disposition a sportsman, "accomplished alike for the cabinet and the field."¹ In the house of commons, where he had been associated with eight others of his name, he had for a time figured as counsel to the revenue commissioners, a capacity in which he joined Anthony Malone in his banking exploit,² and after some years' tenure of the solicitor-generalship, he had become in 1764 chief justice of the King's Bench on the death of Warden Flood. When Townshend went over to Ireland as lord lieutenant in 1767, he found him a peer taking the chancellor's place as speaker of the house of lords, and he became foremost in Townshend's unofficial cabinet, which had the result of his being known to posterity by the following lines :³

At the head of the list set down Annaly first,
 The chief of his favourites, because he is the worst,
 To show himself worthy and fit for the trust,
 Without judgement a judge, he makes justice unjust.⁴

But in his efforts to emulate the malignity of his English exemplar, the Irish Junius here overreached himself. Amongst the gifts that made him a foremost Irishman in his day, Annaly did not lack judicial qualities, and within a few months of the appearance of these lines, he gave the lie to them by a speech of singular perspicacity and impartiality on the question of the legitimacy of the then holder of the title of Valentia, from which an extract was given in the last chapter. Undoubtedly Annaly was reactionary as regards Irish politics in his later life, and openly recorded his disapproval of the limitation of the duration of parliament, which he held to be responsible for an increase of idleness

¹ Pp. 187, 201.

² See authorities quoted supra, pp. 150, 151.

³ Lords' Journals, Ire., 1767, Oct.

⁴ *Baratariana*, p. 288.

and licentiousness in the populace, and of the enrolment of the volunteers, but at the same time in a high degree he was patriotic, and was of opinion that the trade laws and absenteeism were main sources of evil. In spite of his reactionary views he counted Grattan amongst his most valued friends, and after Grattan's parliamentary triumph he invited him to his country seat where he held out as an inducement the company of Fitzgibbon, who would prove to him that "a simple repeal of a statute does not amount to a renunciation of a right."¹

One of the first of the judges who fought their way to the bench is found in Marcus Paterson, who succeeded Clayton in 1770 as chief justice of the Common Pleas. If tradition be true, he winged no less than three adversaries, and showed equal skill with sword and pistol.² But he was none the less a man of academic distinction, and made a name for himself in the house of commons, first as a serjeant, and afterwards as Annaly's successor in the solicitor-generalship. He had qualities calculated to attract men of every kind. The lord lieutenant found him pre-eminently able, intrepid, and zealous, and laid great stress upon his opinion; while the chief secretary found him an agreeable host at "a hob-nob" with the best Madeira that Ireland could provide, and one of his friends speaks of his compliance with the habits of young men shortening his life.³

¹ Froude's *English in Ireland*, ii. 242; *Memoirs of Grattan*, iii. 18. In finding objects for his venom the Irish Junius did not confine himself to the living, and in a dissertation on alleged frailties of "Donna Lavinia del St. Leger," the second wife of Baron St. Leger, by whom he was long survived, her husband's clemency is represented as no less proverbial than her chastity and is attributed to an illicit descent from James the Second, an imputation for which no warrant has been elsewhere seen.

² Barrington's *Personal Sketches*, ii. 5.

³ Harcourt to North, 1776 Oct. 21, Harcourt Papers, x. 199; Paterson to Eden, 1783 June 22, Brit. Mus. Add. MSS., 34419, f. 353; Lord Clonmell's *Diary*, p. 162.

In professional standing Lifford, Annaly, Robinson, and Henn were contemporaries, but all the other judges were far senior to them. Anthony Foster, who succeeded on the resignation of Willes in 1766 to the seat of chief baron, and Thomas Tenison, who succeeded on the resignation of French to a seat in the Common Pleas, had run in couples to the bench, as county Louth landowners and parliamentary representatives. They are coupled also by the author of "The Goose Pye," who foretells the marvellous :

When Foster's sleepy, slow harangues can charm,
When Tenison is clear as well as warm ;

and obtained about the same time a step to the bench in the offices of counsel to the revenue commissioners and prime serjeant. The celebrity of Tenison lies mainly in the fact that he was the son of one of Stella's friends,¹ and that while Robinson quaked in a storm, he found claret the best anti-thunderatic in the world,² but the celebrity of Foster rests on more solid ground, in eminent services to the linen manufacturers in parliament which were acknowledged in a shower of addresses, accompanied by gold boxes and plate.³

Edmund Malone and George Smyth may also be coupled, being brothers respectively of the head of the Irish bar and one of the heads of the Irish church.⁴ Malone, who obtained in 1766 a seat on the Common Pleas on the resignation of Marshall, had found a step to the bench in the office of serjeant, and Smyth, who obtained in 1768 a seat in the Exchequer on the resignation of Dawson, had found a step in the chairmanship

¹ Swift's Prose Works, ii, passim.

² MSS. of Earl of Charlemont, ii. 201.

³ Exshaw's Mag., 1764 June, 1765 Jan.; Newspaper Cuttings relating to Ireland, Brit. Mus., 1764, June 22, July 17.

⁴ I.e. Anthony Malone and Arthur Smyth, archbishop of Dublin.

of quarter sessions in Dublin county. Lastly Henn, who was brought in 1768 into the King's Bench on the transfer of Scott to the Exchequer, claimed kinship to the chief baron of Charles the Second's reign, and was grandfather of one who brought renown to the name in the nineteenth century. As he owed his promotion to Annaly and not to politics, he was no doubt a useful lawyer, but he remained on the bench for nearly a quarter of a century until he was past his work.¹

Twenty years after the accession of George the Third, at the close of the year 1780, half the members of the bench appointed between 1760 and 1770 had disappeared from it, but two of those appointed before 1760, who are marked below with an asterisk, still remained :

Chancellor	James Hewitt, Lord Lifford P.C.
Master of the Rolls	*Richard Rigby, P.C.
Chief Justice of the King's Bench	John Gore, Lord Annaly, P.C.
Justices of the King's Bench	*Christopher Robinson. William Henn.
Chief Justice of the Common Pleas	Marcus Paterson, P.C.
Justices of the Common Pleas	Godfrey Lill. Robert Hellen.
Chief Baron of the Exchequer	James Dennis, Lord Trac- ton, P.C.
Barons of the Exchequer	Richard Power. George Hamilton.

Power, who obtained a seat in the Exchequer early in 1772 on the death of Smyth, and Lill, who obtained a seat in the Common Pleas in 1774 on the death of Malone, are noticed like Annaly in the pages of *Baratariana* as prominent supporters of Townshend's administration. With "the vociferation of a Bedlamite

¹ Harcourt Papers, x. 304; Barrington's Personal Sketches, i. 453. In the letter already cited, Annaly admits Henn was inclined to be querulous when he spilt his chocolate or was dealt bad cards.

and gesture and attitude nicely copied from the state kettle-drummer," Power is said on one occasion in the house of commons to have inveighed against Blackstone, and damaged a copy of the famous "Commentaries" in the process, and on another occasion to have explained with singular lucidity an alteration in a money bill :

First Power hobbled up and cried " What is this rout ? " 'Twas he that gave Blackstone the elegant clout,
 " Sure cotton's included, though cotton's left out ! " ¹

But in spite of this ridicule Power made his way by his own merits, and if the attribution to him of one of the pamphlets of his time be correct,² he had more brains than most of his fellows.

Lill, who succeeded Paterson as solicitor-general, was one of Townshend's cabinet, and is represented as helping Power to induce the house of commons to accept the alteration in the money bill :

Smooth Godfrey declared, 'twas all one in the Greek,
 And hoped that we never would act upon pique,
 But if George gave a slap, that we'd turn t'other cheek. ³

Like Paterson, Lill had been distinguished in college, but owed his promotion largely to the fact that by a prudent marriage, he had secured the good-will of the Pelhams, which he did not fail to use to the uttermost, and which caused him to hesitate in accepting anything less than a chief seat. In *Baratariana* he is consequently satirized as " a rash and unthinking man, who prefers speculative notions of liberty to the solid and substantial interest of himself and his family," and who had twice

¹ *Baratariana*, pp. 151, 267.

² A Comparative State of the Two Rejected Money Bills in 1692 and 1769. By a Barrister, *Dubl.* 1770. See for attribution to Power copy preserved amongst the Godwyn pamphlets in the Bodleian.

³ *Baratariana*, p. 268. George would apply to Lord Townshend and his secretary, Sir George Macartney, as well as to the king.

refused to be made a chief judge, "though pressed thereto by Mr. Justice Robinson and others."¹

Hamilton, who obtained a seat in the Exchequer in 1776, on the death of Scott, and Hellen, who obtained a seat in the Common Pleas in 1779 on the death of Tenison, commenced their parliamentary life in opposition to the government, Hamilton as one of Lord Donegal's and Hellen as one of Lord Ely's members. Like Foster, Hamilton was a promoter of the material resources of Ireland, especially near his own seat at Balbriggan. He is said in a rival to *Baratariana*² to have been so much affected by visiting Lucas's grave, as to have spoken for a quarter of an hour without mentioning Balbriggan pier, and he was held by Townshend to have mortgaged his vote to the government by accepting aid towards the expense of a troop of light horse that he had raised there.³

Hellen, who practised as a civilian, is described in *Baratariana* as a "youth of fair fame and gentle endowments,"⁴ and gave evidence in later life of a highly cultured taste. Through him negotiations between Townshend and Ely were conducted, and in consequence of his part, he was advanced through the solicitor-generalship to the bench. Judging by a pamphlet attributed to him, he was not a forceful politician,⁵ but he is said to have been applauded while on the bench for his legal learning.⁶

As a lawyer Dennis, who became in 1777 chief baron on the resignation of Foster, was far ahead of these four, and probably of all the judges in his time. In the

¹ Corr. of Duke of Newcastle, 1759 March 1 to 1760 Oct. 5, Brit. Mus. Add. MSS., 32888-32912; *Baratariana*, p. 271.

² *The Bachelor*, iii. 18.

³ *Harcourt Papers*, x. 308.

⁴ *Baratariana*, p. 173.

⁵ Observations on a Speech delivered the 26th Day of December, 1769, in the House of Lords in Ireland, *Dubl.* 1770. See, for attribution to Hellen, copy preserved amongst the Godwyn Pamphlets in the Bodleian.

⁶ *Blacker's Sketches of Booterstown*, p. 428.

house of commons he showed, Francis Hardy says,¹ such professional knowledge and abilities as would have been respected in any free enlightened assembly in Europe. As a politician he retained the confidence of the country, which was demonstrated in his being made a freeman of Dublin,² and the favour of the government, which was demonstrated in his advancement by the steps of third, second, and prime serjeant to the bench. After his appointment as chief baron, Lord Shannon, who was his great friend, and the lord lieutenant joined in urging his claim to a peerage,³ and the title of Lord Tracton was conferred on him, but had not been borne by him for two years when his death took place.

At the moment that Tracton's death occurred, in the summer of 1782, Ireland was exulting in the grant of independence to her parliament, and demanded the chief baron's seat for one of the national heroes, with the result that the Exchequer was soon thrilled by the harmonious flowing eloquence of Walter Hussey Burgh.⁴ It cannot but excite surprise that such a man as Burgh is represented to have been should have accepted at the age of forty any judicial seat except that of chancellor. According to his contemporaries, as an orator he was second only to Flood, as a statesman he gave place to none but Grattan, and as a member of the bar he had no superior, and the patriotism and virtues, which he united with his abilities, made him the idol of the nation. In his career he had not known failure. He was called to the bar without keeping terms at the age of twenty-seven, entered parliament simultaneously, and became prime serjeant at the age of thirty-five, and, which renders his acceptance of the

¹ *Memoirs of Charlemont*, i. 164.

² *Newspaper Cuttings relating to Ireland*, *Brit. Mus.*, 1764, May 8.

³ *Grattan's Memoirs*, ii. 163.

⁴ *Hardy's Memoirs of Charlemont*, i. 272.

dignified seclusion of a judge's seat the more astonishing, he loved fame. Perhaps the explanation is to be found in the death of his wife, which occurred just as he ascended the bench,¹ or in a foreboding of his own death, which occurred little more than a year later. With his extravagant tastes and in his embarrassed circumstances, he cannot have readily undergone the loss of income that the change of position entailed, and he cannot but have been conscious that great as were his talents and attainments, they were not those best calculated to secure him celebrity as a judge.

Two months after Burgh's death, Yelverton began his twenty years' tenure of the office of chief baron. Owing to the length of his judicial service, he lives to-day in a way that Burgh does not, and is accounted the most able advocate of his time, but in some important respects his most ardent admirers have to admit that he was overshadowed by Burgh.² Whether this would have been the case, if the same advantages of birth and fortune had been his, is doubtful. In learning he was certainly more profound, and in nervous language he is said to have excelled not only Burgh, but all the orators of his time.³ He was five years senior to Burgh in age and standing at the bar, but he was as many years junior to him in parliament, and in becoming a law-officer.

Burgh died while on the north-east circuit at Armagh, and by a curious coincidence Lill died at the same time, the autumn of 1783, while on the north-west circuit at Enniskillen. To the seat in the Common Pleas vacated by Lill's death, the government appointed Burgh's successor as prime serjeant, Thomas Kelly, who is still remembered by Irish protestants as the father of a voluminous hymn writer, and founder of a sect called the Kellyites. Kelly was many years senior not only

¹ *Hibernian Mag.*, 1782, p. 448.

² *Memoirs of Grattan*, ii. 63.

³ *Barrington's Historic Memoirs*, i. 268.

to Burgh, but also to Yelverton, in standing at the bar, and is said to have practised first in the West Indies. He was an ardent follower of Grattan, but outside parliament until he became prime serjeant, when he secured a seat. Although he had been made a king's counsel ten years before his elevation to the bench, and had been sent as a justice of assize, it is asserted by Sir Jonah Barrington¹ that he owed his judicial seat to a belief that his legal knowledge was greater than it was. According to that sapient historian Kelly retired to the outer bar when the claim for parliamentary independence was resisted by the government as a protest, and thereby gained such popularity that all Ireland poured business upon him without any thought as to Tom Kelly's ability to discharge it.

For some years there had been a movement to increase the number of judges to four in each of the common law courts.² Early in 1780 the question was discussed in the house of commons, and the proposed increase was opposed by Yelverton on the ground that with such a number there would be no determining vote.³ In the discussion it was mentioned that all the existing judges, except one, agreed with the view taken by Yelverton, and the only ground on which the increase was supported was the necessity of frequently sending king's counsel as justice of assize, an argument that carried little weight as it was stated without contradiction that there was not one of the king's counsel who did not make double the money received by any member of the bench except the chancellor. Nothing more was heard of the proposal until the autumn of 1783, when it was taken up by the house of lords, zealous to add dignity to its proceedings as an independent assembly

¹ Personal Sketches, i. 464.

² In 1757 on Oct. 8 currency was given to a rumour that an additional judge would be appointed to each of the courts of law in Ireland. Newspaper Cuttings relating to Ireland in Brit. Mus.

³ Ibid., under date 1780, April 11,

by a larger array of judicial talent, and was acceded to by the government ever anxious to placate Ireland by the creation of offices.¹

The three barristers appointed, Sir Samuel Bradstreet, Alexander Crookshank, and Peter Metge, had all been members of the house of commons for six years, and the first two, it may be remarked, had been prominent in opposing an increase of judges when the question was before that house, but the alteration of tenure to good behaviour and an augmentation of salary had made them see the error of their ways. Bradstreet, who had inherited a baronetcy and was recorder of Dublin as well as its representative in parliament, was a frequent speaker, and was noted for his independence, which gained for him the name of "slippery Sam."² He is said to have been in character, decisive and firm, in manner rough, and in stature enormous,³ and he is remarkable in having been one of the first to question the sufficiency of the constitution accepted by Grattan. On the other hand Crookshank was undeviating in support of the government, but Metge was a favourite with Grattan's party. By descent Bradstreet, who was a few years junior to Kelly, was connected with Kilkenny, and by birth with the legal profession; Crookshank, who was a few years junior to Yelverton, was identified with Ulster; and Metge, who was a contemporary of Burgh, was a county Meath landowner. Like Paterson, Metge was a fire-eater, and is said to have met in single combat no less than three adversaries, one of whom was his brother-in-law.⁴

Within three months of their appointments, early in 1784, the majority of the new judges were called upon to assist the house of lords in an appeal that aroused

¹ Lords' Journals, Ire., 1783, Nov. 11.

² Memoirs of Grattan, ii. 184.

³ Barrington's Historic Memoirs, ii. 21.

⁴ Barrington's Personal Sketches, ii. 4.

much social and political feeling. According to Edward Cooke, afterwards so well known as Castlereagh's henchman, Kelly, who had been counsel for one of the parties, spoke as if his brief was not out of his hands and delivered his opinion with the vehemence and in the style of an advocate. Although he had not the excuse of having been a counsel in the cause, Metge acted similarly, and Crookshank showed himself a mere creature of Lifford's.¹ At the close of that year Cooke reverted to the subject of the bench and wrote to a former chief secretary :

In the Exchequer Yelverton is very brutish, and Metge as insolent as he is ignorant ; Baron Hamilton silent between them, and Power abroad, in hopes they will get into a scrape in his absence. The bar threaten to complain. Kelly has been most unfortunate in his judgements : scarcely one upon a dubious point which has not been set aside.²

During those eventful times, Robinson, who was a judge for almost thirty years, and for half of them the senior member of the bench, was much in the limelight. As one who was known to disagree with the majority on the question of independence, he was satirized by the popular writers of his day, and has been pursued by their successors with much malignity and little regard to probability. He may have written anonymously "senseless, slavish, and envenomed scurrility" ;³ but it does not seem likely when one considers that at the time he is alleged to have done so, he was a king's counsel, acting as a justice of assize, and that he owed his seat on the bench to Bowes,⁴ the last man to countenance writings of that kind. Even more improbable does it seem when one recalls that his charges

¹ Cooke to Pelham, 1784 March 20, to Eden, March 21, Brit. Mus. Add. MSS., 33101, f. 70 ; 34419, f. 367.

² Cooke to Eden, 1784 Nov. 13, Brit. Mus. Add. MSS., 34419, f. 427.

³ Phillips's *Curran and his Contemporaries*, 1851, p. 84.

⁴ Horace Walpole's *Memoirs*, ii. 278.

exhibit high moral aims,¹ that the only anonymous pamphlet attributed to him is singularly impersonal,² and that he was owner of the books and manuscripts associated with his name.³ Asperity there was no doubt in his character, but humanity was not absent from it, as is seen in his approval of Aston's lenity,⁴ and in his condemnation of encroachments on the ground enjoyed by the public in the Phoenix Park.⁵ At the close of his life he was said by Yelverton in the house of commons to be an ornament to the bench on account of his abilities and experience,⁶ and he displayed the courage of his convictions in fathering the name of the Sham Squire on Francis Higgins,⁷ and in restraining the hectoring volunteers :

“ That soldier so rude, he that swaggers in scarlet,
Put him out of the court, I'll imprison the varlet,”
As in judgement he sat, knowing Robinson said.
“ A soldier I'm not,” quoth the hero in red,
“ No soldier, my lord, but an officer I,
A captain who carries his sword on his thigh.”
Stern Robinson then, with sarcaistical sneer,
Roll'd his sharp eagle-eye on the vain volunteer,

¹ Two of his charges to the Dublin grand juries were published as pamphlets, the first delivered when he was acting as a commissioner in 1749, and the second when he was a judge in 1760, and summaries of others will be found in Hoey's *Dublin Mercury*, 1767 Jan. 24 and the *Hibernian Mag.*, 1775 Jan.

² Considerations on the late Bill for Payment of the Remainder of the National Debt, in which the Occasion of inserting the Clause relative to his Majesty's Consent, and the Arguments in Support of such Right in the Crown are impartially stated, *Dubl.* 1754. In a copy preserved amongst the Godwyn pamphlets in the Bodleian it is ascribed to Robinson ; see also Letters of Guatimozin and Causidicus, *Dubl.* 1779, p. 5.

³ Duhigg's *History of King's Inns*, p. 523.

⁴ *History of the Irish Catholics* by Matthew O'Connor, p. 319.

⁵ Lees to Harcourt, 1777 Jan. 24, Harcourt Papers, x. 231, 263 ; cf. *Hibernian Mag.*, 1775, p. 116.

⁶ *Parliamentary Debates, Ire.*, 1782, July 22.

⁷ Fitzpatrick's *Sham Squire*, p. 12.

And "Tipstaff," he cried, as the captain grew bolder,
"Out, out with that officer, who is no soldier!"¹

Within five years of the grant of parliamentary independence, the chief justiceship of the King's Bench and also of the Common Pleas, became vacant by the deaths of Annaly and Paterson, and were given to the men who had borne the burden and heat of the day in opposing Grattan's party, John Scott, afterwards so well known as the Earl of Clonmell, and Hugh Carleton, afterwards Viscount Carleton. They were born in the same year, in 1739, are said to have been schoolfellows, were students in Trinity College, Dublin, and in the Middle Temple at the same time, and were called to the bar within twelve months of each other. At first Carleton took the lead, but he was soon eclipsed by Scott. It could not have been otherwise, for Carleton's eminence was only professional, while in every sphere, Scott showed himself an extraordinarily able man, and an equally ambitious one. As he has revealed to us in his diary, he had from the first no misgiving as to the object of life being personal success, and although he wore out mind and body in reaching his goal, he made it against desperate odds. On him, first as solicitor-general for three, and afterwards as attorney-general for six years, the weight of defending administration against the onslaughts of Flood and Grattan rested. For one who had nothing to oppose to brilliant oratory but promptitude, resolution, and ingenuity in speech, it seemed an unequal conflict, and the more so as Scott would have been on the popular side if he had allowed his sympathy to prevail over his ambition, but as a pachyderm of invincible toughness and actor of unquenchable spirit, he forced the house to listen to him until at last he gained its ear, and in the end was heard with evident satisfaction. But this final

¹ Notes and Queries, 4 S., viii. 512.

favour may have had its origin in Scott's declaring himself, shortly before the grant of parliamentary independence, on the side of the popular claims. After that declaration, which was made with the knowledge that his removal from the office of attorney-general was in contemplation, he was superseded in favour of Yelverton and remained without legal office until a few months before his appointment to the bench when he was made prime serjeant in the room of Kelly.

Two letters written by Scott, while he was attorney-general, deserve notice. The first, which was written in 1781 when Lifford's resignation was expected, is an argument against the appointment as chancellor of a subordinate stranger, who did not aspire to the front rank of his profession, and a plea for the promotion of the first man that Ireland could produce, Tracton, whose competence was acknowledged by all classes. Scott urges that the situation was not the same as when Queen Elizabeth issued instructions that a tidewaiter's place should be given only to a man of English family, or even when Primate Boulter represented the English interest as comparable to that of the primitive Christians, and gives reasons for believing that England had gained nothing from the English nativity of the Irish chancellors since the Hanoverian succession. He admits that the office was worthily filled by Jocelyn and Bowes as men of integrity, judgement, and technical knowledge, but he has the temerity to claim that they learned their profession in Ireland and that any weight which they carried was due to their attributes and acquaintance with that country. With the other three chancellors he deals in a summary manner. Brodrick is dismissed as a violent partisan, supporting faction in both countries, administering justice in neither; West is stigmatized as one who left no mark except in being dishonoured and poisoned by "a strumpet that he called his wife"; and Wyndham is asserted to have

been so grossly and shamefully ignorant that he ran away. Then to prove that chancellors of English birth found it necessary to bend the knee to Irishmen, he draws a highly coloured picture, on the authority of Anthony Malone, of Jocelyn and Bowes adding the solemnity of religion to the ceremonies of drinking bumpers in blessing Speaker Boyle and execrating his enemies, and finally dwells on the chance that attended the choice of an Irish chancellor as exemplified in Lifford's case, and on the dependence of the holder of the office, whose reputation and interests were but cobwebs liable hourly to be blown away by the breath of the English chancellor.

The second letter, which was also written in 1781, was an argument against the appointment of three additional judges whether considered in the light of the administration of justice or of political expediency. According to Scott the existing judges were far more than sufficient for the work in Dublin. He says that for a year two judges had been able to discharge the business of the Exchequer, which exceeded that of the other two common law courts put together, and that owing to the reluctance of the puisnes to defer to the chiefs or confer with each other, a whole day was often spent in giving judgement. As regards circuit he points out that no analogy could be drawn with England owing to the existence of a summary civil bill jurisdiction in Ireland. Although he had acted himself as a justice of assize no less than twelve times, he had not tried two hundred records, whereas he finds it possible to imagine that an English judge had as many as five hundred on one circuit. In reply to the objection to practising barristers acting as judges, he scoffs at the idea that lawyers are governed by anything but vanity and avarice, and asserts that it is notorious that a lawyer would risk his life to sustain an argument while not caring one whit that his client was in perdition.

Politically the advantage of increased patronage would, he holds, be discounted by the loss in the value of the legal offices, which in his own case, and in those of the prime serjeant and solicitor-general, he modestly suggests should be compensated by pensions of five hundred pounds a year, and the immediate result would be to open three seats in parliament to more violent patriots than those who would be removed, and to disappoint really able aspirants to the bench, like Kelly, outside parliament.¹

Carleton, who ascended the bench three years after Scott, had been one of the serjeants for three and solicitor-general for eight years. He was brought into the house of commons by Townshend, as was also Scott, and owed that favour partly to the great interest that his father, who was called the king of Cork, had in the south of Ireland. Soon afterwards he was said to have proved himself able in parliament, but he did not maintain that reputation, and was at times inaudible in debate.² On the bench he was a success, but he had a tendency to hypochondria which made him a subject for frequent ridicule.

As soon as he took his seat on the bench, Scott, who got then his first step in the peerage as Lord Earlsfort, tells us that he made Cromwell his model. He determined to lay hold of the useful, to avoid the hurtful, and not "to complain, censure or find fault but to answer a purpose." His colleagues on the judicial bench were estimated entirely according to the degree in which they were of service to him. In Paterson he lost a sincere friend, but in Paterson's successor, Carleton, "a worthless wretch" whom he had made, he saw the reverse; and after the death of Robinson, who died

¹ Scott to William Eden, 1781 July 17 and Dec. 10, Brit. Mus. Add. MSS. 34417, f. 394, 34418, f. 211.

² Harcourt Papers, x. 332; Sketches of Irish Political Characters, p. 13; Parliamentary Debates, Ire., 1783, Nov. 29.

a few months before Paterson, early in 1787, he reviews his relations with the puisnes of his own court thus—in the new judge, John Bennett, he recognized an adversary; in the first judge, Henn, who was Bennett's kinsman and “at best a fool,” he foresaw another; and in the second judge, Bradstreet, he had an assistant, who was at the same time, “able, double, and dying.” In conclusion he sums up his own position by saying that as a public character, he stood alone, but for compensation he was head of the law courts, as well as assistant-speaker of the house of lords, and was worth fifteen thousand pounds a year.¹

Although Lord Earlsfort has been suggested as a rival of John Fitzgibbon, the future Earl of Clare, for the chancellorship, he was never so in reality. From the time that the succession to Lifford began to be discussed, Fitzgibbon had no rival to fear in Ireland, and would have had no rival to fear in England but for his youth and unpopularity with a large section of the public. At the age of thirty-six, in 1783, he had been appointed direct from the outer bar to the attorney-generalship in the room of the great Yelverton, and within three years he was regarded by the Duke of Rutland, who was then viceroy, as having an undeniable right to the chancellorship.² That opinion was held no less strongly by Rutland's successor the Marquess of Buckingham,³ and their great wish was that Lifford might continue to hold office until the objection of Fitzgibbon's youth no longer existed. Lifford, who had been created a viscount, continued to give satisfaction both as chancellor and speaker of the house of lords, and until 1788, when he had reached his seventy-fourth year, he did not himself discuss the possibility of his retirement, but in the summer of that year he visited

¹ Diary, pp. 326, 332-3.

² MSS. of Duke of Rutland, iii. 302.

³ Duke of Buckingham's Court and Cabinets of George III, i. 425.

London and expressed to the king his desire to resign before decay set in.¹ His resignation was staved off, and though his death occurred within eight months, Fitzgibbon's position had been meantime enormously strengthened by the services that he rendered on the question of the regency, and after some delay the objections to him were overcome and in the summer of 1789 he followed Lifford on the woolsack.²

No man had ever more bitter detractors or warmer panegyrists than Fitzgibbon. Even when he was attorney-general people of light and leading differed in the widest degree as to him. In the opinion of the Earl of Charlemont, his character and conduct were aptly and exactly described by his nickname, Jack Petulant, and his abilities as those of "a wrangling saucy barrister,"³ while in the opinion of the Duke of Rutland his character was lovable, his conduct manly, and his abilities of the first order.⁴ Again by Charlemont he was said to have sprung from the dregs of the people, and was accused of striving to change parliament from the bulwark of freedom to a citadel for oppression and tyranny,⁵ while by a brother barrister he was recognized as son of one of the most eminent and most successful lawyers that had ever adorned the Irish bar, and claimed as a champion of liberty.⁶

It was at least impossible for Fitzgibbon's most inveterate foes to assert that Earlsfort was more fit to be chancellor. With patriotic Ireland he lost at that time all favour by what he calls himself his "want of circumspection" in seeking to crush John Magee, the proprietor of the *Dublin Evening Post*, under bail of

¹ Duke of Buckingham's Court and Cabinets of George III, i. 420.

² *Ibid.*, ii. 147.

³ MSS. of Earl of Charlemont, i. 108 (the paragraph is headed "John Scott, attorney-general" in error).

⁴ MSS. of Duke of Rutland, iii. 142, 307.

⁵ MSS. of Earl of Charlemont, i. 108.

⁶ *Hibernian Mag.*, 1789, p. 394.

inordinate amount, and his own efforts seem to have been directed rather towards obtaining an earldom than the chancellorship. In order to lighten the chagrin of seeing one many years his junior promoted over him, he was advanced in the peerage, with the title of Viscount Clonmell, but on the same account Carleton was given a barony, which was not so pleasing to him. It became necessary for him then, he notes in his diary, to consider how he could circumvent efforts that Carleton and Fitzgibbon were likely to unite in making to injure him in the house of lords and his court, as well as to devise schemes to turn the abuse that was falling upon him for his use of arbitrary power to good account by basing upon it a ground for the earldom that he saw within his grasp.¹

At the close of the year 1789, Clonmell was under the deepest impression of "several acts of treachery" by the puisne judges of his court.² All of them were many years senior to him in standing at the bar, and like Bradstreet, Bennett had taken a part in public life that did not tend to make him subservient. In Cork, of which he was a native and recorder, he had been prominent in the volunteer movement, and had the experience of being unseated for one county Cork borough and elected afterwards simultaneously for two others. But an entire change of puisnes in the King's Bench came within a few years, for in eighteen months Bradstreet, whose death Clonmell had long before predicted, died, and Henn resigned, and eight months later Bennett's death made the third vacancy. In their places there came on the bench as Clonmell's puisnes Robert Boyd, who had been recorder of Londonderry, the Honourable Joseph Hewitt, a son of Lord Lifford's, who had been a serjeant, and William Downes. They had all been members of the house of commons, and the first two had been prominent in it. According to a

¹ Diary, p. 348.

² Ibid., pp. 349-50.

keen critic of the debates,¹ although he failed in method and regularity in argument, Boyd, who devilled for Fitzgibbon, had displayed in the house subtlety and acuteness, as well as legal knowledge, and although he was in no degree oratorical, Hewitt had delivered frequently weighty speeches. By this critic Hewitt is censured for a habit of adulation, which elsewhere² is attributed to affability of temper, and is said to have made him “deservedly esteemed in the circles of higher life.” Downes was too short a time in the house to be noticed by the critic, but he was a man with every advantage of birth, and had doubtless given proof of the qualities that were destined to raise him to Clonmell’s seat. With these three new puisnes that remarkable man found himself no happier than with their predecessors. He recorded³ soon, that Boyd was drunken, idle, and mad; that Hewitt was dying; and that Downes, who was in his eyes cunning and vain, was crowing over him and bore him no goodwill. But again Clonmell had compensations, for his earldom had been gained, and his court duties and attendance, without circuit, were less than three months in the year.

The holders of the office of master of the rolls had become so completely sinecurists as to make the appointments farcical. After holding the office for nearly thirty years, during which he never set foot in Ireland, Rigby had died in 1788, and the lord lieutenant’s brother, the future Lord Grenville, and the Duke of Leinster, had a contest for the emoluments.⁴ Finally, his grace was successful, but owing to his opposing the government on the regency question, and failing on the king’s recovery to express regret for his opposition, he was deprived of the office, and the emoluments, which were estimated at a thousand pounds a year, were divided between

¹ Falkland, i.e. the Rev. John Robert Scott: see his *Review of the Irish House of Commons*, *Dubl.*, 1789, pp. 35, 48.

² *The Dublin Chronicle*, 1791, Aug. 2.

³ *Diary*, p. 380.

⁴ *Buckingham’s Court and Cabinets of George III*, i, *passim*.

two other peers. In 1793 two further vacancies among the puisne judges were caused by the deaths of Hellen and Hamilton, who had been on the bench for fourteen and seventeen years respectively. At the time of his death Hellen was much esteemed for his literary tastes, and was possessed of a fine library as well as of a collection of pictures and objects of virtu.¹ As a judge Hamilton had not ceased to interest himself in the development of Balbriggan, but the Irish climate did not suit him at the close of his life, and his death took place at Oswestry, while he was on his way to winter in the south of England for his health.² These two vacancies were followed in the next year, 1794, by two more caused by the deaths of Power and Hewitt, who had been on the bench for the disproportionate periods of twenty-two and three years respectively. Power, whose creation as a peer had three years before been thought probable, was found drowned at the mouth of the Liffey. Although the coroner's jury held that it was a case of accidental death, the public believed that it was a case of suicide while of unsound mind, and attributed the mental derangement to Power's resentment at being called to account for his conduct in the office of usher of the court of Chancery which he held in addition to his seat on the bench.³

As the result of the four appointments that ensued the bench was constituted as follows at the close of the year 1795 :

Chancellor	John Fitzgibbon, Earl of Clare, P.C.
Masters of the Rolls	John Crosbie, Earl of Glاندore, P.C. John Joshua Proby, Earl of Carysfort, P.C.

¹ Blacker's Sketches of Booterstown, p. 428 ; cf. Brit. Mus. Add. MSS., 35645, f. 120. ² Gentleman's Mag., 1793, p. 1060.

³ Ibid., 1794, p. 186 ; cf. Daunt's Recollections of O'Connell, ii. 145 ; Woodfall's Register, 1791 July 7.

Chief Justice of the King's Bench	John Scott, Earl of Clonmell, P.C.
Justices of the King's Bench	Robert Boyd. William Downes. Tankerville Chamberlain.
Chief Justice of the Common Pleas	Hugh Carleton, Lord Carleton, P.C.
Justices of the Common Pleas	Thomas Kelly, P.C. Alexander Crookshank. Matthias Finucane.
Chief Baron of the Exchequer	Barry Yelverton, Lord Avonmore, P.C.
Barons of the Exchequer	Peter Metge. Michael Smith. Denis George.

Of the four new puisnes Smith, who came into the Exchequer on the death of Hamilton, was far the most distinguished. He had been a scholar of Dublin University, was reputed a lawyer of great talent, and had been most successful in the house of commons, in which he had sat for ten years. He was specially valued in the house for his skill in debate, and for his knowledge, which was not confined to his profession.¹ In manner he was as a rule cold, but when the subject of marriage in connexion with the penal laws was before the house, he astonished it by bursting into impassioned speech, "the united glow of patriotism and native beauty" as Yelverton remarked, "melting logic into poetry and stoicism into love."² Next to Smith in public reputation there came Chamberlain, who was brought into the Common Pleas on the death of Hellen, and transferred to the King's Bench on the death of Hewitt. He is said to have been possessed of much natural talent and wit,³ which is confirmed by his having been associated with Yelverton and Curran as "a monk of the

¹ Falkland's Review of the Irish House of Commons, p. 21.

² O'Regan's Memoirs of Curran, p. 90.

³ Gentleman's Mag., 1802, p. 585.

screw," but although sometime in parliament, he had not been long enough to make a name.¹ Neither Finucane, who was brought into the Common Pleas on the transfer of Chamberlain to the King's Bench, nor George, who was brought into the Exchequer on the death of Power, had been in parliament, but Finucane had seniority on his side and George had been recorder of Dublin.

Some months before the Rebellion, early in 1798, Boyd retired from the King's Bench, with a good pension to reward him for seven years' service as a judge,² and on the day before the Rebellion, in May, Clonmell died.³ Their successors, Robert Day and Arthur Wolfe, resembled them only in being men of academic distinction, and differed from them wholly in being men of dignified and devoted character, a quality that was in some degree due to advantages of birth. During the twenty years that he sat on the bench, indeed during the whole of his long life, which extended to ninety-four years, Day showed himself an estimable man in every relation. Although he began his career as one of Grattan's closest friends and adhered

¹ The society known as the Order of St. Patrick or the Screw, which was formed in the autumn of 1779, was political as well as convivial in its character, and comprised only those supposed to be on the patriotic side. It included peers, members of parliament, barristers, physicians, and fellows of Trinity College. Yelverton was denominated founder, Curran prior, and four others held office as respectively abbot, precentor, bursar, and sacristan. Besides Chamberlain, Burgh, Metge, Finucane, and Smith were members.—Life of Curran, i. 140–6.

² He is said to have kept a supply of brandy beside him on the bench in an inkstand, and to have partaken freely of it through a quill, which possibly may have accounted for his premature retirement.—Daunt's Recollections of O'Connell, i. 216.

³ Writing to a friend in America on Oct. 22, Plunket said that Clonmell's good fortune accompanied him to the very last. "He died on the night of May 22 immediately previous to the day on which the rebellion broke out, and the principal members of the aristocracy were to be destroyed. I assure you many sagacious persons augured very favourably to the revolution from that circumstance."—Falkiner's Studies in Irish History, p. 226.

in parliament for fifteen years to him,¹ he won favour from the government and showed such knowledge of criminal law, as chairman of quarter sessions in Dublin county, that his elevation to the bench could not be questioned.² On the other hand Wolfe's eminence lay in equity, to which his practice was originally mainly confined. He had been twenty years called to the bar before entering parliament, but was then quickly raised to the position of a law-officer, serving for two years as solicitor-general and for nine as attorney-general. His reputation for ability was higher in legal and official circles than in political, and his personal popularity was not increased by a haughty manner. Although his friends said that he was not inherently proud, the fact that while acting as attorney-general he obtained a peerage for his wife tends to prove the reverse, and he was certainly overbearing on the bench. But in the discharge of his duties as a law-officer he is said by his contemporaries to have shown moderation, justice, and discretion, qualities that were then sorely needed, and he is believed by Lecky to have been not only an able and upright lawyer, but a man of conspicuous wisdom and humanity.³

When opposing an addition to the number of the common law judges, Lord Clonmell had foretold that an increase from nine to twelve would result in an increase of the circuits from five to six, in order that two of the judges should not be placed permanently in a position of inferiority, which referred no less to pay than to dignity, and twelve years after the additional judges were appointed, he proved to have been a true prophet. In the spring of 1796 a paragraph appeared stating that a new arrangement of the circuits, which would affect

¹ *Memoirs of Grattan*, *passim*.

² *Newspaper Cutting*, 1793, Feb. 4.

³ *Barrington's Personal Sketches*, i. 468; *Lecky's History of Ireland*, iii. 434, iv. 102; cf. *Sketches of Irish Political Characters*, p. 10, and *The Twelve*, *Dubl.*, 1808, p. 9.

principally the Leinster, was proposed, and in the summer of that year, the arrangements for a new circuit to be called The Home were announced. The first judges to preside on it were two distinguished respectively for hypochondria and seniority, Carleton and Kelly, and during the ninety years that the circuit existed, infirm and senior judges found a refuge upon it.¹

During the last decade of the eighteenth century a judge's work on circuit must have been sometimes almost past endurance. A hundred and twenty persons awaited trial in 1793 at the spring assizes in Dundalk. Most of them were indicted as belonging to the banditti called Defenders. On one day five of them were tried and capitally convicted, the judges Boyd and Downes, presiding on the bench alternately to relieve each other "in the fatigues of the business." In all twenty-one persons were sentenced to death, eighteen being defenders and three mail robbers, and thirty-seven were transported or imprisoned. Thirteen trials for murder were postponed.² Again a hundred and fifty-one persons awaited trial in 1797 at the summer assizes in Armagh, and "the awful and unexampled duty of pronouncing the sentence of death on twenty men together" fell on Chamberlain.³ He was accompanied by Yelverton, and at the next town, Carrickfergus, there took place before them the trial of William Orr, which, like that of Father Sheehy, became proverbial for injustice. For publishing comments on this trial the printer of a Dublin newspaper called *The Press* was brought to trial before Downes and convicted; but in his speech on the liberty of the press Plunket denied that the prosecution was necessary, on the ground that the virtue, the integrity, and the humanity of Yelverton and Chamberlain blunted the shafts of malice, and caused them to

¹ Dublin Gazette, 1796 Feb. 6; Finn's Leinster Journal, 1796 June 22.

² Newspaper Cuttings relating to Ireland in Brit. Mus., 1793 March 14, 16; Lecky's History of Ireland, iii. 213.

³ Lecky's History of Ireland, iv. 103.

be as much loved and revered as before the calumnies were printed.¹

Although such testimony as Plunket gave to judicial rectitude is not singular at the close of the eighteenth century, Irish popular writers have not refrained from vilifying the bench as a whole at that period, and excusing and even holding up to admiration, those who were convicted before it. It is difficult, however, for an unbiassed person to regard Archibald Hamilton Rowan, who was allowed to escape from prison and bore witness himself to the clemency of the crown in his case, as a martyr, or to look upon the Rev. William Jackson, who revelled in obscenity and disgraced his orders, as a hero. To Jackson's death in the dock from the effects of a dose of poison, a dramatic touch has been imparted by attributing to him as his dying words, "We have deceived the senate," but from a paper found on him, a hope may be felt that his thoughts were otherwise engaged. Both Rowan and Jackson were tried in the King's Bench, the former in the beginning of 1794 and the latter in the spring of 1795, before Lord Clonmell, who had with him on the first occasion Boyd and Downes and on the second Downes and Chamberlain, and the judicial utterances are not open to question for lack of dignity or of lenity to the prisoner. In the winter of 1795-6 a number of the Defenders were brought to trial before the Dublin commission for treason, the earlier trials taking place before George assisted by Chamberlain and Finucane and the later ones before Clonmell assisted by Chamberlain and George. Several of the accused were acquitted and only two were executed, but the trials have been represented as having had "a bloody consummation," and an address upholding the convictions and appealing to law-abiding men to join in suppressing crime, which

¹ Lecky's *History of Ireland*, iv. 103 ; *Life of Plunket*, i. 83 ; *MSS. of Earl of Charlemont*, ii. 306.

Clonmell delivered after the trials were over to the grand jurors, has been described as "a monstrous and incredible example of judicial savagery and falsehood."¹

After the Rebellion in the summer of 1798 a special commission was issued for the trial of the participants, but no more than five persons were brought before it, and although they were all convicted only four were executed. At the first trial, that of the brothers Sheares, Lord Carleton presided, with Crookshank and Smith as assistants, and at the other three trials Smith, Crookshank, and Chamberlain presided in turn, with George and Day as assistants.² The charges of all these judges leave no opportunity for cavil, and an attempt to prove that Carleton was forgetful of the ties of friendship in presiding at the trial of the brothers Sheares has been utterly discredited. Notwithstanding the iniquitous conduct that has been so freely alleged against persons in executive authority at the time of the Rebellion, few actions were instituted against them by their victims, but in one of the few, tried at Clonmel in the spring of 1799 before Yelverton and Chamberlain, large damages were awarded against the high sheriff of County Tipperary, and even more exemplary damages were suggested by the judges. The ease with which crime could then be inspired, and an alibi provided for the criminal, was demonstrated in the same year at the summer assizes at Trim before Chamberlain, when a bravo calling himself Captain Fearnought was proved to have induced three hundred men to assist him in murdering a clergyman on an assertion that the latter was going to march ten thousand men against them, and when after conviction the bravo related that the persons willing to come forward to swear falsely on his behalf were calculated by their number to defeat the object that they had in view.

¹ MacNevin's *Lives and Trials*, p. 293.

² *State Trials*, xxvii. 1127.

SUCCESSION

OF THE

CHANCELLORS, MASTERS OF THE ROLLS, CHIEF JUSTICES AND JUSTICES OF THE KING'S BENCH, CHIEF JUSTICES AND JUSTICES OF THE COMMON PLEAS, AND CHIEF BARONS AND BARONS OF THE EXCHEQUER APPOINTED TO THE JUDICIAL BENCH IN IRELAND FROM THE REIGN OF GEORGE I TO THE LEGISLATIVE UNION WITH GREAT BRITAIN IN THE REIGN OF GEORGE III, 1714-1800

CHANCELLORS

- 1714. Alan Brodrick, viscount.
- 1725. Richard West.
- 1726. Thomas Wyndham, baron.
- 1739. Robert Jocelyn, viscount.
- 1757. John Bowes, baron.
- 1767. James Hewitt, viscount.
- 1789. John Fitzgibbon, earl.

MASTERS OF THE ROLLS

- 1731. Thomas Carter.
- 1754. Henry Singleton.
- 1759. Richard Rigby.
- 1788. William Robert Fitzgerald, duke.
- 1789. John Crosbie, earl, and John Joshua Proby, earl.

CHIEF JUSTICES OF THE KING'S BENCH

- 1714. William Whitshed.
- 1727. John Rogerson.
- 1741. Thomas Marlay.
- 1751. St. George Caulfeild.
- 1760. Warden Flood.

- 1764. John Gore, baron.
- 1784. John Scott, earl.
- 1798. Arthur Wolfe, viscount.

JUSTICES OF THE KING'S BENCH

- 1714. James Macartney.
- 1714. Jeffrey Gilbert.
- 1715. William Caulfeild.
- 1716. Godfrey Boate.
- 1722. John Parnell.
- 1727. Michael Ward.
- 1734. Henry Rose.
- 1743. Arthur Blennerhassett.
- 1758. Christopher Robinson.
- 1759. William Scott.
- 1768. William Henn.
- 1783. Samuel Bradstreet, baronet.
- 1787. John Bennett.
- 1791. Robert Boyd.
- 1791. Joseph Hewitt.
- 1792. William Downes.
- 1794. William Tankerville Chamberlain.
- 1798. Robert Day.

CHIEF JUSTICES OF THE COMMON PLEAS

- 1714. John Forster.
- 1720. Richard Levinge, baronet.
- 1724. Thomas Wyndham.
- 1727. William Whitshed.
- 1727. James Reynolds.
- 1740. Henry Singleton.
- 1753. William Yorke.
- 1761. Richard Aston.
- 1765. Richard Clayton.
- 1770. Marcus Paterson.
- 1787. Hugh Carleton, viscount.

JUSTICES OF THE COMMON PLEAS

- 1714. James Macartney.
- 1720. George Gore.
- 1726. Francis Bernard.
- 1731. Robert Dixon.

- 1733. Robert Lindsay.
- 1743. William Yorke.
- 1745. Robert French.
- 1754. Robert Marshall.
- 1761. Thomas Tenison.
- 1766. Edmund Malone.
- 1774. Godfrey Lill.
- 1779. Robert Hellen.
- 1783. Thomas Kelly.
- 1783. Alexander Crookshank.
- 1793. William Tankerville Chamberlain.
- 1794. Matthias Finucane.

CHIEF BARONS OF THE EXCHEQUER

- 1714. Joseph Deane.
- 1715. Jeffrey Gilbert.
- 1722. Bernard Hale.
- 1725. Thomas Dalton.
- 1730. Thomas Marlay.
- 1741. John Bowes.
- 1757. Edward Willes.
- 1766. Anthony Foster.
- 1777. James Dennis, baron.
- 1782. Walter Hussey Burgh.
- 1783. Barry Yelverton, viscount.

BARONS OF THE EXCHEQUER

- 1714. John Pocklington.
- 1714. John St. Leger, knight.
- 1732. John Wainwright.
- 1741. Richard Mountney.
- 1741. Arthur Dawson.
- 1768. William Scott.
- 1768. George Smyth.
- 1772. Richard Power.
- 1776. George Hamilton.
- 1783. Peter Metge.
- 1793. Michael Smith, baronet.
- 1794. Denis George.

CATALOGUE

OF THE

CHANCELLORS, MASTERS OF THE ROLLS, CHIEF JUSTICES AND JUSTICES OF THE KING'S BENCH, CHIEF JUSTICES AND JUSTICES OF THE COMMON PLEAS, AND CHIEF BARONS AND BARONS OF THE EXCHEQUER APPOINTED TO THE JUDICIAL BENCH IN IRELAND FROM THE REIGN OF GEORGE I TO THE LEGISLATIVE UNION WITH GREAT BRITAIN IN THE REIGN OF GEORGE III, 1714-1800.

1714 William Whitshed ;

was eldest son of Thomas Whitshed, an Irish barrister and member of Parliament for Carysfort, and Mary, daughter of Mark Quin, an alderman of Dublin ; was born 1679 ; entered the Middle Temple 1694 ; was called to the Irish bar ; became knight of the shire for co. Wicklow 1703 ; appears as a whig in politics ; became solicitor-general 1709 ; was superseded 1711 ; was re-elected for co. Wicklow 1718 ; went to England after accession of George I ; returned to Ireland as chief justice of the King's Bench ; visited England 1716, 1717 ; pronounced Swift's tract in favour of the use of Irish manufactures a seditious publication 1720 ; prevailed on the grand jury of Dublin to present it and endeavoured to obtain the conviction of the printer ; visited England later in that year, and again in 1723 ; endeavoured on two occasions to compel the grand jury of Dublin to present the Drapier's Letters, but failed, 1724 ; was lampooned by Swift ; asked to be transferred to the Common Pleas at the close of 1726 ; was appointed chief justice of that court 1727 ; died in the summer of same year ; was buried in Dublin in St. Michael's Church ; resided in Dublin in St. Mary's-street, in co. Wicklow at Killencarrig near Delgany, and in co. Dublin at Stormanstown ; was succeeded through his

youngest sister by the family of Hawkins who assumed the name of Whitshed. [The Irish Builder, 1891, p. 261.]

1714 John Forster ;

was eldest son of Richard Forster, a militia colonel and member for Swords, and Anne Webber ; was born 1667 ; matriculated in Dublin University 1683 ; entered the Middle Temple 1685 ; was called to the Irish bar ; married Rebecca, daughter of Henry Monck of Dublin, an ancestor of the Viscounts Monck, 1695 ; became recorder of Dublin 1701 ; was returned as member for that city 1703 ; appears as a whig in politics ; had become counsel to the revenue board and was suggested as a law-officer 1706 ; was appointed solicitor-general, and in a few months attorney-general 1709 ; became speaker of the house of commons 1710 ; was superseded as attorney-general 1711 ; made a speech to the Duke of Ormond, as lord-lieutenant, which was parodied by Swift, same year ; was returned as member for Dublin and Philipstown and elected to sit for Dublin 1713 ; became chairman of committees in the house of commons ; was the chief protagonist on the side of the aldermen in the conflict between the city of Dublin and the government as to the election of mayor and sheriffs 1713-4 ; went to London on behalf of the aldermen in the summer of 1714 ; was there on the accession of George I ; returned to Ireland as chief justice of the Common Pleas ; married as his second wife, Dorothy, daughter of George Evans, member for Charleville, and sister of George, Lord Carbery ; resided in Dublin successively in St. John's and St. Werburgh's parish and near Dublin at Clonshagh in Santry parish ; was attacked at Clonshagh by paralysis in the summer of 1720 ; died a few days later ; left issue including a daughter, Anne, who married George Berkeley, bishop of Cloyne.

1714 Joseph Deane ;

was eldest son of Joseph Deane of Deanehill in co. Meath, and Elizabeth daughter of John Parker, archbishop of Dublin ; was born 1674 ; matriculated in Dublin University 1689 ; entered Gray's Inn 1694 ; was called to the Irish bar ; married Margaret, daughter of the Honourable Henry Boyle of Castlemartyr and sister of Henry, Earl of Shannon ; was returned as knight of the shire for co. Dublin and

member for Castlemartyr, and elected to sit for co. Dublin 1703; appears as a whig in politics; was returned again for co. Dublin 1713; became chief baron of the Exchequer on the accession of George I, 1714; resided in Dublin in St. Mary's parish, and near Dublin at Crumlin; died six months after his appointment to the bench 1715; was buried in Dublin in St. Patrick's Cathedral; left five daughters who married respectively Hayes, Viscount Doneraile, Arthur, Viscount Dungannon, John, Earl of Mayo, John, Lord Lisle, and John Fitzgerald, knight of Kerry.

1714 Jeffrey Gilbert;

was son of William Gilbert of Burr's Farm in Goudhurst parish in Kent, and Elizabeth Gibbon, a kinswoman of Edward Gibbon, the historian; was born 1674; entered the Inner Temple 1692; was called to the bar 1698; became counsel of the town of Tenterden 1699; began to compile equity reports 1706; published "Some Thoughts Concerning the Deity," 1714; was appointed a member of the Irish judiciary as a justice of the King's Bench after the accession of George I in that year; was promoted to the seat of chief baron of the Exchequer in the summer of 1715; received from Dublin University degree of doctor of laws *honoris causa* 1718; was said then to be the "darling of the Irish nation"; issued an injunction in pursuance of an order from the British house of lords same year; was committed in consequence by the Irish house of lords to the custody of the usher of the Black Rod in the summer of 1719; remained under restraint for three months; was treated afterwards with much disrespect; went to London in the spring of 1720; is said to have been offered the reversion of the office of chancellor of Ireland and was promised a seat on the English bench; returned to Ireland in the summer of 1721; was transferred to the English bench as a baron of the Exchequer 1722; became a commissioner of the English great seal 1725; received then knighthood; was promoted to the place of chief baron same year; was elected a fellow of the Royal Society 1726; died at Bath same year; was buried in Bath Abbey; wrote reports and treatises on every branch of the law, which were published after his death. [Dict. Nat. Biog.; Foss's Judges; Lofft's Account.]

1714 John Pocklington ;

was eldest son of Oliver Pocklington of Brington in Huntingdonshire, doctor of medicine ; was born at Nottingham about 1658 ; appears at school at Peterborough ; matriculated in Cambridge University from St. John's College 1674 ; entered the Middle Temple 1677 ; was called to the bar there 1684 ; became member for Huntingdon 1695 ; failed to obtain a seat in parliament 1698 ; married Mary, daughter of Sir Thomas Hatton, baronet ; was elected knight of the shire for Huntingdonshire 1705 ; became second justice of Chester 1707 ; was re-elected for Huntingdonshire 1708 ; became a bencher of the Middle Temple same year ; acted as Lent reader 1709 ; was re-elected for Huntingdonshire 1710 ; was superseded as justice of Chester 1711 ; failed to obtain a seat in parliament 1713 ; was appointed to the Irish bench as third baron of the Exchequer after the accession of George I, 1714 ; went to Ireland early in 1715 ; visited England in the autumn of 1717 ; joined with Chief Baron Gilbert in issuing an injunction under an order of the British house of lords 1718 ; appears unwell in the spring of 1719 ; was committed in consequence of his action as to the order of the British house of lords with Chief Baron Gilbert by the Irish house of lords to the custody of the usher of the Black Rod in the summer ; remained under restraint for three months ; visited England in the winter ; applied unsuccessfully for the place of chief justice of the Common Pleas 1720 ; was residing then for his health at Collinstown near Celbridge in co. Kildare ; appears as unwell early in 1722 ; visited London and Bath later in that year ; was elected then treasurer of the Middle Temple, but as he was obliged to return to Ireland, was unable to act ; became again unwell in the summer of 1723 ; developed paralytic symptoms at Limerick while holding the spring assizes in 1724 ; was confined to the house for some months early in 1725 ; died 1731 ; was buried near Dublin at Finglas ; left a son Christopher, an admiral in the Navy, who married Elizabeth, daughter of Sir Thomas Domvile, baronet, and became an ancestor of the line of baronets of that name. [Williams's Great Sessions in Wales.]

1714 John St. Leger, knight ;

was second son of John St. Leger of Trapham in Kent and

Doneraile in co. Cork, member for latter place, and Afra, daughter of Thomas Harflete, and was brother of Arthur Viscount Doneraile; was born 1674; appears in Westminster School; entered the Inner Temple 1691; matriculated in Oxford University from Christ Church 1692; was knighted by William III, 1701; married Mary, daughter of James Ware and widow of Alexander Frazer; appears in Ireland 1707; went then to England; was called in the Inner Temple to the bar same year; appears in London 1711; was then, according to Swift, following the bar at a distance; was elected recorder of Cashel, but was not approved by the government, 1713; became member for Doneraile same year; attended the parliament in Ireland in the autumn; appears as a whig in politics; returned to England in the winter; went back to Ireland as second baron of the Exchequer after the accession of George I, 1714; purchased Grangemellon in co. Kildare 1716; visited England that year; sought unsuccessfully admission to the privy council 1717; joined with Chief Baron Gilbert in issuing an injunction under an order of the British house of lords 1718; was committed in consequence with Gilbert by the Irish house of lords to the custody of the usher of the Black Rod 1719; received leave while in custody to attend the assizes at Cork as a witness; visited England in the summer of 1720; sought unsuccessfully office of a chief judge; lost his wife 1722; married within a few months as his second wife, Lavinia, daughter of Kingsmill Pennfather of New Park in co. Tipperary; sought unsuccessfully office of chief justice of the Common Pleas 1724; was thought by some persons likely to be chief baron and by other persons likely to be removed 1725; visited England 1731; sought transfer to the King's Bench 1734; visited England 1737; acted on a commission of oyer and terminer at Naas 1740; resigned 1741; was then residing in Dublin in Capel-street; died 1743; desired to be buried at Grangemellon; left issue by his second wife, including John, his eldest son, who was well-known in London society, and was father of John Hayes St. Leger, a favourite of George IV. [Jour. Roy. Soc. Ant. Ire., xxxiv. 16.]

1715 William Caulfeild;

was eldest son of Thomas Caulfeild of Donamon near Ros-

common, and Anne, eldest daughter of Charles, Viscount Moore of Drogheda; succeeded his father at Donamon 1691; married Lettice, fourth daughter of Sir Arthur Gore of Newtown in co. Mayo, baronet, an ancestor of the Earls of Arran; was returned as member for Tulsk 1692, 1695; entered the Middle Temple 1700; was re-elected for Tulsk 1703; was called to the Irish bar 1705; appears as a whig in politics; became second serjeant 1708; was superseded 1711; appears active in the suppression of houghing of cattle in cos. Roscommon and Galway 1712; failed to secure a seat in parliament in 1713; became prime serjeant after the accession of George I, 1714; was appointed second justice of the King's Bench 1715; visited London and Bath for his health 1729; went as justice of assize generally to Connaught; was unable to act as justice of assize 1730-4; retired through ill-health on a pension 1734; resided in Dublin in St. Bride's parish; died at Donamon 1737; left issue including a son who became chief justice of the King's Bench.

1716 Godfrey Boate ;

was eldest son of Godfrey Boate, a six-clerk in Chancery, and a kinsman of Gerard Boate, the author of "Ireland's Natural History"; was born 1673; appears at school in Dublin; matriculated in Dublin University 1692; entered Gray's Inn same year; married Cary, sister of Thomas Denton of the Inner Temple 1698; was called to the Irish bar; became a master in chancery 1711; resigned 1712; became prime serjeant 1715; was appointed third justice of the King's Bench 1716; resided in Dublin in Dawson-street; died 1721; left issue. [The Irish Builder, 1889, p. 199.]

1720 George Gore ;

was second son of Sir Arthur Gore of Newtown in co. Mayo, baronet, and Eleanor, daughter of Sir George St. George of Carrickdrumrusk in co. Leitrim, and was brother-in-law of Mr. Justice Caulfeild; was born 1675; appears at Shrewsbury School; matriculated in Dublin University, 1691; entered the Middle Temple 1693; was called to the Irish bar 1700; married Bridget, daughter and heiress of John Sankey of Tenelick in co. Longford 1703; became

member for Longford, 1709; received from Dublin University degree of doctor of laws *honoris causa* same year; was re-elected for Longford 1713; became attorney-general after the accession of George I, 1714; was re-elected for Longford 1715; obtained a grant constituting Tenelick a manor under the name of Manor Sankey 1718; was appointed a justice of the Common Pleas 1720; sought unsuccessfully promotion to a chief seat 1720, 1722, 1724; went as justice of assize generally on the Connaught or the north-west circuit; was unable to act as justice of assize 1741-5; resigned his seat on the bench in the latter year; lived in Dublin in Oxmantown; died 1753; left issue, including a son, who became chief justice of the King's Bench and was created Baron Annaly, and another son, who, after his brother's death, was also created Baron Annaly.

1720 Richard Levinge, baronet;

was second son of Richard Levinge of Parwich in Derbyshire, recorder of Chester, and Anne, daughter of George Parker of Park Hill in Staffordshire and aunt of Thomas Parker, Earl of Macclesfield and chancellor of England; was born at Leek in Staffordshire 1656; appears at Audlem School; entered the Middle Temple 1671; matriculated in Cambridge University from St. John's College same year; was called to the bar 1677; became possessed, by assignment from his eldest brother, of Parwich; married Mary, daughter and co-heir of Gawan Corbyn of London, merchant, 1686; was elected recorder of Chester same year; made in that capacity a speech to James II on his visiting Chester 1687; appears as an alderman as well as recorder of Chester 1688; was removed, together with the other members of the corporation, same year; became member for Chester 1690; appears as a tory in politics; went to Ireland as solicitor-general in the autumn of that year; visited England early in 1691; went as justice of assize to Connaught in the summer; was returned as member for both Blessington and Belfast and elected to sit for the former 1692; received knighthood from the lord lieutenant and became speaker of the house of commons same year; was superseded as solicitor-general and speaker 1695; visited England 1697; was returned as member

for Longford and Bangor and elected to sit for Longford 1698 ; became a commissioner to take account of the forfeited estates in Ireland 1699 ; disagreed from the majority of his colleagues ; was accused of maligning them and committed by the English house of commons to the Tower 1700 ; was returned again for Longford 1703 ; became again solicitor-general 1704 ; was created a baronet later in that year ; advocated the establishment of a registry of deeds in Ireland ; appears residing in co. Westmeath at Mullalea ; visited England 1705 ; appears at Tunbridge Wells in the summer ; sought then a seat on the English bench ; applied after his return to Ireland for the place of chief baron ; was threatened with attack in the Irish house of commons 1707 ; was again superseded as solicitor-general 1709 ; visited England afterwards ; appears at Parwich in the summer ; went to England again in the autumn of 1710 ; was elected member for Derby same year ; returned to Ireland as attorney-general in the summer of 1711 ; visited England in the summer of 1713 ; was returned as member for Kilkenny and Gowran and elected to sit for Kilkenny same year ; was proposed as speaker, but defeated by four votes ; retired to Mullalea on the accession of George I in 1714 ; was superseded as attorney-general, but was offered the place of a justice of the King's Bench, which he declined ; appears amongst those suggested for place of chief baron 1715 ; lost his wife 1720 ; visited England that year ; was appointed chief justice of the Common Pleas in the autumn ; appears suffering from a painful disorder 1721 ; married as his second wife, Mary, daughter of Baron Johnson, 1723 ; died in little more than a year 1724 ; left issue including his successor to the baronetcy. [Dict. Nat. Biog.]

1722 John Parnell ;

was younger son of Thomas Parnell of Dublin and Anne Grice, and was brother of Thomas Parnell, the poet ; was born 1680 ; appears at school in Dublin ; matriculated in Dublin University 1694 ; entered the Inner Temple 1698 ; was called to the Irish bar 1706 ; appears as seneschal to the archbishop of Dublin ; married Mary, second daughter of Thomas Whitshed and sister of Chief Justice Whitshed, 1712 ; became recorder of Cashel 1713 ; was returned as

member for Granard same year; became counsel to the barracks' board and revenue board after the accession of George I in 1714; was returned again for Granard 1715; became a king's counsel same year; was appointed a justice of the King's Bench 1722; had a country seat in the Queen's co. at Rathleague; died there 1727; left issue including a son, who was created a baronet and who was grandfather of the first Lord Congleton.

1722 Bernard Hale ;

was eighth son of William Hale of King's Walden in Hertfordshire, and Mary, daughter of Jeremiah Elwes of Roxby in Lincolnshire; was born 1677; entered Gray's Inn 1696; was called to the bar there 1705; became a member of Lincoln's Inn 1710; married Anne, daughter of J. Thoresby of Northamptonshire; appears as secretary of presentations to the lord chancellor of England 1722; went to Ireland then as chief baron of the Exchequer; became a bencher of Gray's Inn 1724; was said to have the Irish chancellorship within his grasp 1725; returned then to England as a baron of the English Exchequer; became then a serjeant; was knighted 1726; died in London 1729; was buried at King's Walden; left issue. [Dict. Nat. Biog.; Foss's Judges.]

1724 Thomas Wyndham, Lord Wyndham ;

was youngest son of John Wyndham, a colonel in the army and member for Salisbury, and Alice, daughter of Thomas Fownes; was born 1681; appears at the cathedral school of Salisbury; matriculated in Oxford University from Wadham College 1698; entered Lincoln's Inn same year; was called to the bar 1705; became recorder of Sarum 1706; went to Ireland as chief justice of the Common Pleas 1724; was elected then a bencher of Lincoln's Inn; gained in Ireland a high reputation; was promoted to the office of chancellor 1726; became also a lord justice; received the freedom of Dublin; acted as speaker in the house of lords 1727-8; became a lord justice 1728; laid the foundation stone of the Irish houses of parliament 1729; acted as speaker in the house of lords 1729-30; became a lord justice 1730; received from the University of Dublin degree of doctor of laws *honoris causa* same year; was created a peer as Baron Wyndham of Finglas 1731;

acted as speaker in the house of lords 1731-2; became a lord justice 1732; visited Bellisle in co. Fermanagh same year; acted as speaker in the house of lords 1733-4; became a lord justice 1734; acted as speaker in the house of lords 1735-6; became a lord justice 1736; visited England same year; acted as speaker in the house of lords 1737-8; became a lord justice 1738; presided as lord high steward at the trial of Lord Santry for murder 1739; retired on account of ill health later in that year; resided in Dublin in St. Stephen's-green; died in Wiltshire 1745; was buried in Salisbury Cathedral; was not married. [Dict. Nat. Biog.; Jour. Roy. Soc. Ant. Ire., xxxiv. 3.]

1725 Richard West ;

was eldest son of Richard West of London, merchant; entered the Inner Temple 1708; was called to the bar 1714; married Elizabeth, second daughter of Gilbert Burnet, bishop of Salisbury, same year; published "A Discourse Concerning Treasons and Bills of Attainder" 1716; became a king's counsel 1717; was elected a bencher of the Inner Temple; published "An Enquiry into the Origin and Manner of Creating Peers" 1719; acted as counsel to the Board of Trade; was returned as member for Grampond 1721 and for Bodmin 1722; was proposed as chief justice of the Common Pleas in Ireland 1724 and as recorder of London 1725; acted as one of the managers of the trial of the Earl of Macclesfield in latter year; went to Ireland subsequently as chancellor; acted as speaker in the house of lords 1725-6; became a lord justice 1726; wrote an English version of Hecuba which was then acted in London; resided in Dublin in St. Stephen's-green; died late in 1726; was buried in Dublin in St. Anne's Church; left issue including Richard West, who is known as a poet and a friend of Gray's. [Dict. Nat. Biog.]

1725 Thomas Dalton ;

was eldest son of the Rev. Peter Dalton of Bramley in Hampshire; is said to have been maternal nephew of Sir Christopher Dominick, a Dublin physician; was born 1682; matriculated in Oxford University from Queen's College 1699; graduated as bachelor of arts 1702; became fellow of All Souls' College 1706; proceeded master of arts same

year; entered the Middle Temple 1707; was called to the bar 1711; went to Ireland as chief baron 1725; resided in Dublin in Dawson-street; died there 1730; was buried in Dublin in St. Andrew's Church; left issue. [The Irish Builder, 1895, p. 37.]

1726 Francis Bernard;

was eldest son of Francis Bernard of Castle Mahon in co. Cork, and Elizabeth, daughter of Arthur Freke of Rathbarry; was born 1662; matriculated in Dublin University 1680; graduated as bachelor of arts 1683; entered the Middle Temple same year; went to the Irish bar; became member for Clonakilty 1692 and for Bandon 1695; married Alice, daughter of Stephen Ludlow, a six-clerk in chancery and an ancestor of the Earls Ludlow, 1697; was re-elected for Bandon 1703; appears as a tory in politics; became chief justice of the palatinate of Tipperary 1704; was considered eligible for the place of a law-officer 1706; became solicitor-general 1711; was re-elected for Bandon 1713; was superseded as solicitor-general after the accession of George I in 1714; was re-elected for Bandon 1715; became prime serjeant 1724; was appointed a justice of the Common Pleas 1726; was dissatisfied with the emoluments and considered the possibility of returning to the bar; suffered from ill health and was sometimes unable to act as justice of assize; died suddenly 1731; was buried in Dublin in St. Mary's Church; left issue through whom he became an ancestor of the Earls of Bandon.

1727 John Rogerson;

was son of Sir John Rogerson, sometime lord mayor of Dublin and member successively for Clogher and Dublin; entered the Middle Temple 1690; married Elizabeth, daughter of Stephen Ludlow and sister-in-law of Mr. Justice Bernard, 1693; appears as a fellow-commoner in Dublin University 1694; graduated as bachelor of arts same year; was called to the bar in the Middle Temple 1698; was called to the Irish bar 1701; became member for Granard 1713; was appointed solicitor-general after the accession of George I, 1714; became then also recorder of Dublin; was returned as member for Dublin 1715; became attorney-general 1720; visited England 1725; was believed then to

be ambitious of succeeding to the chancellorship; visited England again in 1727; returned to Ireland as chief justice of the King's Bench; sought transfer to the Common Pleas, but unsuccessfully, later in that year; resided in Dublin in Henry-street and near Dublin at Glasnevin; died 1741; was buried in Dublin in St. Werburgh's Church; left daughters, through one of whom he became an ancestor of the Earls of Erne. [Jour. Roy. Soc. Ant. Ire., xxxiv. 9.]

1727 Michael Ward;

was son of Bernard Ward of Castleward in co. Down and Mary, sister of Michael Ward, bishop of Down; was born 1683; appears at school in Dublin; matriculated in Dublin University as a fellow-commoner 1699; entered the Inner Temple 1700; was called to the Irish bar 1705; married Anne, eldest daughter of James Hamilton of Bangor 1710; appears as a whig in politics; was returned as knight of the shire for co. Down 1713, 1715; received from Dublin University degree of doctor of laws *speciali gratia* 1718; visited England 1721; became a justice of the King's Bench 1727; was attacked for his conduct as justice of assize in Munster 1733; visited England 1737; acted on a commission of oyer and terminer at Naas 1740; visited England again 1742; acted as one of the judges at a trial for perjury arising out of the Annesley peerage case 1745; went almost invariably to Ulster as justice of assize; was unable to act 1754-8; resided in Dublin in Britain-street and in co. Down at Castleward; died at Castleward 1759; left issue including a son, who was created Viscount Bangor and a daughter who married Sir John Parnell, son of Mr. Justice Parnell.

1727 James Reynolds;

was eldest son of Robert Reynolds of Bumpstead in Essex and Kesia, daughter of Thomas Tyrell of Gipping in Suffolk and grand-daughter of Sir William Hervey of Ickworth; was born 1684; appears at school at Eton; matriculated in Cambridge University from Peterhouse 1703; entered Lincoln's Inn 1705; was called to the bar 1712; was suggested as chief baron of Ireland 1725; went to Ireland as chief justice of the Common Pleas 1727; visited England

1730; lost a sister who resided with him 1732; visited England again 1735; resided in Dublin in York-street; went frequently to Ulster as justice of assize; was recommended as chancellor 1739; was transferred to English bench as a baron of the Exchequer 1740; became a serjeant and bencher of Lincoln's Inn; received knighthood 1745; died 1747; was buried at Castle Camps in Cambridgeshire; did not marry. [Dict. Nat. Biog.; Foss's Judges; Jour. Roy. Soc. Ant. Ire., xxxiv. 11.]

1730 Thomas Marlay ;

was eldest son of Anthony Marlay of Newcastle-on-Tyne and of Creevagh in co. Longford and Elizabeth second daughter of Robert Morgan of Cottlestown in co. Sligo, and was grandson of Sir John Marlay, mayor of Newcastle-on-Tyne; became a scholar in Dublin University 1695; graduated as bachelor of arts 1697; entered the Middle Temple same year; married Mary, daughter of Charles de Laune of Dublin 1707; was returned as member for Newtownlimavady 1715; received from Dublin University degree of doctor of laws *speciali gratia* 1718; became solicitor-general 1720 and attorney-general 1727; was returned as member for Newtownlimavady and Lanesborough and elected to sit for Lanesborough same year; acted sometimes as a justice of assize, while a law-officer; was appointed chief justice of the King's Bench 1741; presided at a trial for perjury arising out of the Annesley peerage case 1745; delivered a charge to the grand juries of Dublin city and county, which was printed 1749; was unable to act as justice of assize 1749-51; retired from the bench 1751; resided in Dublin in Henry-street and in co. Kildare at Celbridge; died while on a visit to Chief Justice Singleton in Drogheda 1756; had issue including a son, who was successively bishop of Clonfert and Waterford, and a daughter who married James Grattan, recorder of Dublin, and was mother of Henry Grattan. [Jour. Roy. Soc. Ant. Ire., xxxiv. 15.]

1731 Robert Dixon ;

was eldest son of Robert Dixon, member for Randals-town; was born 1685; appears at school in Drogheda; matriculated in Dublin University 1701; entered the Middle

Temple 1704 ; practised at the Irish bar 1711 ; became a king's counsel 1716 ; married Mary, daughter of John Ormsby of Cloghans in co. Mayo, 1726 ; sought appointment as a judge 1727 ; was elected member for Kildare same year ; became second serjeant 1728 ; was appointed a justice of the Common Pleas 1731 ; owned Colverstown in co. Kildare ; died early in 1732 ; left no issue.

1731 Thomas Carter ;

was eldest son of Thomas Carter of Robertstown in co. Meath, member successively for Fethard and Portarlington, and Margaret Houghton ; was born in Dublin 1690 ; appears at school there ; matriculated in Dublin University 1707 ; entered the Middle Temple 1708 ; graduated as bachelor of arts 1710 ; was returned as member for Trim 1719 ; married Mary, daughter and co-heiress of Thomas Claxton of Dublin same year ; became deputy-master of the rolls 1725 ; was also protonotary of the King's Bench ; was returned as member for Hillsborough, Dungarvan, and Lismore, and elected to sit for Hillsborough 1727 ; became master of the rolls 1731 ; was admitted to the privy council 1732 ; was removed from office of master of the rolls 1754 ; appears as secretary of state 1755-60 ; was returned for three boroughs as before and elected to sit for Hillsborough 1760 ; appears as joint secretary of state 1760-3 ; resided in Dublin in Henrietta-street and in co. Kildare at Castle-martin ; died near Tuam 1763 ; left issue, and is represented by the family of Shaen-Carter. [Jour. Roy. Soc. Ant. Ire., xxxiv. 7.]

1732 John Wainwright ;

was elder son of Thomas Wainwright, chancellor of diocese of Chester, and Rebecca Jackson ; was born 1689 ; appears at Westminster School 1703 ; matriculated in Oxford University from Christ Church and entered the Inner Temple 1708 ; graduated as bachelor of arts 1712 ; proceeded master of arts 1715 ; was called to the bar in the Inner Temple 1716 ; became a member of Lincoln's Inn 1720 ; appears as clerk of the Prince of Wales's council ; married Anne, youngest sister of Humphrey Parsons, member for London, 1726 ; contemplated accompanying Berkeley to the Bermudas 1728 ; was appointed deputy-trier of tin in Cornwall and

Wales 1730 ; went to Ireland as a baron of the Exchequer 1732 ; resided in Dublin in William-street and near Dublin at Mount Merrion ; contracted fever while holding assizes at Limerick in the spring of 1741 ; was brought to Mount Merrion ; died there a few days later ; was buried at Chester in Trinity Church ; left no issue. [Jour. Roy. Soc. Ant. Ire., xxviii. 332, xxxiv. 19.]

1733 Robert Lindsay ;

was eldest son of Robert Lindsay of Loughry in co. Tyrone and Anne daughter of John Morris of Bellville in that co. ; was born 1679 ; appears at school in Drogheda ; matriculated in Dublin University 1696 ; graduated as bachelor of arts 1700 ; entered the Middle Temple 1703 ; married Elizabeth, daughter of Edward Singleton and sister of Chief Justice Singleton, 1707 ; was called to the Irish bar 1709 ; became counsel to the proctor of St. Patrick's Cathedral in Dublin 1722 and seneschal to the cathedral 1724 ; was returned as knight of the shire for co. Tyrone 1729 ; became a justice of the Common Pleas 1733 ; went on a commission to Naas 1740 ; resided in Dublin in Suffolk-street and in co. Tyrone at Loughry ; died 1743 ; was buried in Dublin in St. Catherine's Church ; left no issue.

1734 Henry Rose ;

was son of George Rose of Morgans in co. Limerick ; was born 1675 ; matriculated in Oxford University from Magdalen Hall 1693 ; entered the Inner Temple 1696 ; was called to the Irish bar 1701 ; married Anne, daughter of David Crosbie of Ardfert and sister of Maurice, Lord Brandon was returned as member for Ardfert 1703, 1713, 1715, 1727 ; became a justice of the King's Bench 1734 ; lost his wife 1740 ; resided in Dublin in Dominick-street and in co. Limerick at Morgans ; went generally to Munster as justice of assize ; died suddenly 1743 ; was buried in Dublin in St. Mary's Church ; left no issue.

1739 Robert Jocelyn, Viscount Jocelyn ;

was only son of Thomas Jocelyn of Sawbridgeworth in Hertfordshire and Anne, daughter of Thomas Bray of Westminster, and was grandson of Sir Robert Jocelyn of Hyde

Hall in Hertfordshire, baronet; was born 1688; appears as a pupil of an attorney in London 1708; entered Gray's Inn 1709; was called to the Irish bar 1719; went the Munster circuit; married Charlotte, daughter and co-heiress of Charles Anderson of Worcester, and sister-in-law of Timothy Godwin, archbishop of Cashel, 1720; sought appointment as counsel to the revenue board 1722; visited England 1724; was returned as member for Granard 1725; purchased mansion house and lands of Donnybrook near Dublin 1726; became third serjeant same year; was appointed solicitor-general 1727; became member for Newtown same year; was appointed attorney-general 1730; went on a special commission of oyer and terminer to Cork 1731; visited France 1736 and England 1738; acted sometime as a justice of assize while a law-officer; was appointed chancellor 1739; acted as speaker in the house of lords 1739-40; became a lord justice 1740; received the freedom of Dublin same year; acted as speaker in the house of lords 1741-2; became a lord justice 1742; was created a peer as Baron Newport of Newport in co. Tipperary 1743; acted as speaker in the house of lords 1743-4; presided as lord high steward at the trial of Viscount Netterville for murder 1744; became a lord justice same year; acted as speaker in the house of lords 1745-6; became a lord justice 1746; acted as speaker in the house of lords 1747-8; lost his wife 1748; became a lord justice same year; acted as speaker in the house of lords 1749-50; became a lord justice 1750; acted as speaker in the house of lords 1751-2; became a lord justice 1752; acted as speaker in the house of lords 1753-4; became a lord justice 1754; married, as his second wife, Frances, daughter and co-heiress of Thomas Claxton of Dublin and widow of Richard, Earl of Rosse, same year; acted as speaker in the house of lords 1755-6; was absent for two months owing to illness and was advanced in the peerage as Viscount Jocelyn during the session; became a lord justice 1756; went to London for his health in the autumn; died in Dover-street two months later; was buried at Sawbridgeworth; resided in Dublin in St. Stephen's-green, and near Dublin successively in a villa at Donnybrook and at Mount Merrion; left an only son who was created Earl of Roden. [Dict. Nat. Biog.; County Dublin, ii. 56.]

1740 Henry Singleton ;

was fourth son of Edward Singleton, alderman of Drogheda, and member for that town; was born 1682; appears at school in Drogheda; matriculated in Dublin University 1698; entered the Inner Temple 1702; graduated as bachelor of arts 1703; called to the Irish bar 1707; appears as recorder of Drogheda 1708; was returned as member for that town 1713, 1715; appears as in politics a tory; visited England 1722; became prime serjeant 1726; was returned as member for Drogheda and Dunleer and elected to sit for Drogheda 1727; visited England 1732; was supported strongly for the speaker's chair 1733; received from Dublin University degree of doctor of laws *honoris causa* 1734; visited France 1738; acted constantly as a justice of assize while prime serjeant; was appointed chief justice of the Common Pleas 1740; visited Scarborough 1744 and Spa 1752; surrendered seat as chief justice 1753; became master of the rolls 1754; visited Bath that year and again for nine months in 1755; died 1759; was buried in Drogheda in St. Peter's Church; resided in Dublin in Jervis-street, in Drogheda in Lawrence-street, and near Dublin at Drumcondra; did not marry; is now represented by the Singletons of Mell. [County Dublin, iv. 171.]

1741 Richard Mountney ;

was son of Richard Mountney, an officer of the custom-house, and Maria, daughter of John Carey; was born at Putney 1707; appears at Eton school; was elected to King's College, Cambridge, 1725; entered Lincoln's Inn same year; became a fellow of King's College; graduated as bachelor of arts 1729; published an edition of the Orations of Demosthenes 1731; was called to the bar 1732; proceeded master of arts 1735; became a commissioner of bankrupts 1739; went to Ireland as a baron of the Exchequer 1741; acted as one of the judges in the Annesley peerage trial 1743; visited England 1744; sought the reversion of the office of judge of the prerogative court 1747; visited England 1748; published "Observations on the probable issue of the Congress of Aix la Chapelle" same year; declined benchership of Lincoln's Inn on ground of residence in Ireland 1754; aspired to be chief baron 1756; lost his wife; married as his second wife, Mary Angelica Delacherois, widow

of Thomas, Earl of Mount-Alexander, 1759; died while on the north-west circuit at Belturbet in spring 1768; resided in Dublin successively in Chancery-lane, Butter-lane, and Merrion-street, and near Dublin at Ball's-bridge; left no issue. [Dict. Nat. Biog.]

1741 John Bowes, Lord Bowes;

was second son of Thomas Bowes of London; was born 1691; entered the Inner Temple 1712; was called to the bar 1718; went to Ireland with Chancellor West 1725; began to practise at the Irish bar same year; became third serjeant 1727; was dangerously ill of a fever in spring 1730; visited England in the summer; returned to Ireland as solicitor-general; became member for Taghmon 1731; was suggested for an Irish puisne judgeship 1734; went to France 1736; visited England early in 1738; sought a seat on the English bench later in that year; distinguished himself at trial of Lord Santry in the spring of 1739; sought the chancellorship in the summer; became attorney-general subsequently; acted sometimes as justice of assize while a law-officer; was appointed chief baron of the Exchequer 1741; presided at the Annesley peerage trial 1743; visited England 1744, 1747; did not go circuit in the summer of 1751, 1753, 1755, 1756; was appointed chancellor 1757; acted as speaker in the house of lords 1757-8; went to take the waters at Swanlinbar 1758; was created a peer as Baron Bowes of Clonlony in co. Meath same year; acted as speaker in the house of lords 1759-60; was mobbed when going to the house of lords during a great riot that winter; visited England 1760; acted as speaker in the house of lords 1761-2, 1763-4; visited England 1764; became a lord justice 1765; acted as speaker in the house of lords 1765-6; became a lord justice 1766; died 1767; was buried in Christ Church Cathedral; resided in Dublin successively in Werburgh-street and Henrietta-street, and near Dublin successively at Island-bridge and Drumcondra; did not marry. [Dict. Nat. Biog.; County Dublin, vi. 176.]

1741 Arthur Dawson;

was eldest son of Joshua Dawson of Castledawson in co. Londonderry, secretary in Dublin Castle and member for Wicklow; was born 1698; appears at school in Dublin;

matriculated in Dublin University as a fellow-commoner 1712; graduated as a bachelor of arts 1715; entered the Middle Temple same year; was called to the Irish bar 1723; succeeded to Castledawson 1725; married Jane, sister of Charles O'Neill of Shane's Castle in co. Antrim, a collateral ancestor of the Lords O'Neill; was returned as knight of the shire for co. Londonderry 1729; became a king's counsel 1734; received from Dublin University degree of doctor of laws *honoris causa* 1737; was appointed a baron of the Exchequer 1741; acted as one of the judges in the Annesley peerage trial 1743; was recommended as chief justice of the Common Pleas 1760; resigned his seat on the bench 1768; died 1775; resided in Dublin in Molesworth-street, near Dublin at Bayview, Clontarf, and in co. Londonderry at Castledawson; left no issue.

1743 William Yorke;

was second son of the Rev. John Yorke of Stoke Doyle in Northamptonshire, and was a kinsman of Philip Yorke, Earl of Hardwicke and chancellor of England; was born 1700; became a scholar of Charterhouse 1714; won an exhibition at Cambridge University 1720; became pupil to an attorney; entered the Inner Temple 1723; was called to the bar; went to Ireland as a justice of the Common Pleas 1743; married Charity, daughter of the Rev. Rowland Singleton, niece of Chief Justice Singleton, and widow of William Cope of Loughgall in co. Armagh, 1744; obtained by her a thousand pounds a year; acquired Rathmines Castle near Dublin 1746; visited England 1749, 1753; succeeded his wife's uncle as chief justice of the Common Pleas in the latter year; was rebuilding Rathmines Castle early in 1758; went to Bath later in that year; surrendered office of chief justice and became chancellor of the Exchequer 1761; was created a baronet same year; resided in Dublin in William-street and near Dublin at Rathmines Castle; went to England 1762; resigned office of chancellor of the Exchequer 1763; died at Brentford from accidental poisoning 1776; was buried in the chapel of the Charterhouse; left no issue. [Alumni Carthusiani.]

1743 Arthur Blennerhassett;

was elder son of Robert Blennerhassett, member for Clonmel;

born 1687; appears at school in Dublin; matriculated in Dublin University 1704; graduated as bachelor of arts 1708; entered the Middle Temple same year; was called to the Irish bar 1714; was accused on false evidence of the murder of the Hon. John St. Leger in a duel 1720; was returned as member for Tralee 1727; became a king's counsel 1728; received from Dublin University degree of doctor of laws *honoris causa* 1734; became prime-serjeant 1742; was appointed a justice of the King's Bench 1743; married Mary, daughter of Edward Rice and widow of Lieutenant-Colonel William Degge, same year; acted as one of the judges at the trial for perjury arising out of the Annesley peerage case 1745; died 1758; was buried in Dublin in St. Paul's Church; resided in Dawson-street.

1745 Robert French;

was second son of Colonel John French of Dungar in co. Roscommon and Anne, daughter of Sir Arthur Gore of Newtown in co. Mayo, baronet, and was nephew of Mr. Justice Gore; was born at Liverpool 1690; appears at school at Dungar; matriculated as a fellow-commoner in Dublin University 1708; entered the Middle Temple 1710; graduated as bachelor of arts 1715; was called to the Irish bar 1717; became member for Jamestown 1727; received from Dublin University the degree of doctor of laws *honoris causa* 1730; became a commissioner for revenue appeals 1732; married Frances, youngest daughter of Sir Richard Hull of Leimcon in co. Cork; was appointed in room of his maternal uncle a justice of the Common Pleas 1745; was unable to act as justice of assize 1758–61; retired from the bench 1761; resided in Dublin in Smithfield; died there 1772; was buried in St. Michan's Church in Dublin. [Irish Memorials Ass., iii. 455.]

1751 St. George Caulfeild;

was fourth son of Mr. Justice Caulfeild and Lettice, daughter of Sir Arthur Gore of Newtown in co. Mayo, baronet; entered the Middle Temple 1716; was called to the Irish bar 1723; was returned as member for Tulsk 1727; became counsel to the revenue board 1734; was appointed solicitor-general 1739, attorney-general 1741, and chief justice of the King's Bench 1751; acted as speaker in the house of lords

for part of the session 1755-6; was mobbed while on his way to the house of lords with Bowes 1759; resigned his seat on the bench 1760; resided in Dublin successively in Bride-street and Aungier-street and in co. Rosecommon at Donamon; was attacked at Donamon by a former bailiff 1770; died 1778; did not marry.

1754 Robert Marshall;

was son of John Marshall of Clonmel; entered the Middle Temple 1718; appears as joint-residuary legatee of Swift's Vanessa 1723; was called to the Irish bar same year; became recorder of Clonmel; was returned as member for that town 1727; became third serjeant 1738 and second serjeant 1741; married Mary, daughter of Benjamin Woolley of East Sheen in Surrey and Clonmannon in co. Wicklow same year; was said to have obtained through her a fortune of thirty thousand pounds; succeeded through her to a thousand pounds a year 1743; appeared as chief counsel for the claimant in the Annesley peerage case same year; visited England 1745; acted sometimes as justice of assize while a serjeant; appears as indisposed 1754; was appointed a justice of the Common Pleas same year; visited England 1756, 1761, 1764; retired from the bench 1766; visited England 1767; resided in Dublin successively in Hoey's-court, George's-lane, Henry-street, and Dominick-street, and near Dublin at Seapoint; died 1774; was buried in Waterford Cathedral; left no issue. [County Dublin, i. 15.]

1757 Edward Willes;

was son of Edward Willes of Newbold Comyn near Leamington; was born there 1702; entered Lincoln's Inn 1721; was called to the bar there 1727; became a serjeant 1740; appears as a king's counsel; became king's serjeant 1745; married Mary Denny of Norfolk; appears as attorney-general of Lancaster and recorder of Coventry; went to Ireland as chief baron 1757; visited England more than once; retired on pension 1766; resided in Dublin successively in St. Stephen's-green, Dawson-street, and Kildare-street, and near Dublin at Seapoint; died at Newbold Comyn 1768; was buried at Leamington; left issue. [County Dublin, i. 14.]

1758 Christopher Robinson ;

was son of Bryan Robinson, regius professor of physic in Dublin University ; was born 1712 ; appears under a tutor in his father's house ; matriculated in Dublin University 1729 ; entered Lincoln's Inn 1732 ; was called to the Irish bar 1737 ; was appointed seneschal of St. Patrick's Cathedral 1742 ; became one of the king's counsel 1745 ; acted as justice of assize at spring assizes 1752, 1757 ; was appointed a justice of the Common Pleas 1758 ; married at Cashel, Elizabeth, daughter of the Rev. Hartstonge Martin, same year ; died 1787 ; resided successively in Jervis-street and Dominick-street where he died ; left issue. [The Irish Builder, 1888, p. 38.]

1759 William Scott ;

was only son of the Rev. Gideon Scott of Newtown in co. Londonderry, and Jane, daughter of John MacNeill of Ballintoy ; was born 1704 ; appears at school in Raphoe ; matriculated in Dublin University 1723 ; graduated as bachelor of arts 1727 ; was returned as member for Londonderry same year ; entered the Middle Temple 1729 ; was called to the Irish bar 1732 ; became recorder of Londonderry 1735 ; married Hannah, daughter of Thomas Gledstones 1738 ; became prime-serjeant 1757 ; was appointed a justice of the King's Bench 1759 ; became a baron of the Exchequer 1768 ; died 1776 ; resided in Dublin in Sackville-street ; left issue.

1759 Richard Rigby ;

was only son of Richard Rigby of Mistley Hall in Essex, and Anne Perry ; was born at Mistley 1722 ; entered the Middle Temple 1738 ; matriculated in Cambridge University from Peterhouse 1739 ; inherited a large fortune ; made the grand tour ; was attached to the court of Frederick, Prince of Wales ; transferred his allegiance to the Duke of Bedford ; was returned as member for Castle Rising 1745, for Sudbury 1747, and for Tavistock 1754 ; went to Ireland as secretary to the Duke of Bedford on his appointment as lord lieutenant 1757 ; was elected member for Leighlin same year ; received from Dublin University degree of doctor of laws *honoris causa* 1758 ; became a commissioner of trade 1759 ; was appointed master of the rolls in Ireland

later in same year; joined with Fox 1761-2; became identified again with Duke of Bedford on his appointment as president of the council 1763; fought a duel with Lord Cornwallis; travelled abroad 1764; was appointed vice-treasurer 1765; tried to obtain a grant of office of master of the rolls for life 1767; became paymaster of the forces 1768; was satirized as an opponent of Wilkes 1769; was superseded as paymaster 1784; went to reside at Bath 1785; died there 1788; was buried in Bath Abbey; was not married. [Dict. Nat. Biog.]

1760 Warden Flood ;

was eldest son of Francis Flood of Burnchurch in co. Kilkenny, member for Callan in same county, and Anne, only daughter and heiress of John Warden of Burnchurch; was born 1694; entered Kilkenny school 1706; graduated in Dublin University as bachelor of arts 1714; entered the Middle Temple 1716; was called to the Irish bar 1720; became member for Callan 1727; married Miss Isabella Whiteside; became solicitor-general 1741; visited England 1747; became attorney-general 1751; was mobbed while going to the house of commons 1759; acted as justice of assize sometimes while a law-officer; visited England 1760; returned to Ireland as chief justice of the King's Bench; resided in Dublin in Cuffe-street and in co. Kilkenny at Farmley; acted once as speaker in the house of lords 1764; died same year; left issue including the Irish Demosthenes, who was illegitimate.

1761 Richard Aston ;

was a younger son of Richard Aston of Wadley in Berkshire and Elizabeth, daughter of John Warren, and was brother of Sir Willoughby Aston of Aston, the fifth baronet of that family; was born 1717; appears at Winchester College, 1728; entered Lincoln's Inn 1736; was called to the bar there 1740; appears as a resident at Cray's Foot in Kent 1748; married then Miss Eldred of the Haymarket in London; acted as one of the counsel for Miss Blandy 1752; appears on circuit at Worcester during a great storm when the court-house was demolished and his life was in danger 1757; was described as of the Middle Temple 1758; married then as his second wife Susanna, daughter and

co-heir of Thomas Witherstone of Burghill in Herefordshire and widow of Sir David Williams of Gwernevet, baronet; was said to have obtained with her a fortune of twenty thousand pounds and a large jointure; became a king's counsel 1759; went to Ireland as chief justice of the Common Pleas 1761; was sent on a special commission to try whiteboys in co. Tipperary 1762; appears at a dinner of old Wykehamists in Dublin 1764; resided in Dublin successively in Henry-street and at Barry-house in St. Stephen's-green; advocated changes in the procedure of Irish grand juries; is said to have become unpopular; was transferred to the English bench as a justice of the King's Bench 1765; became then a serjeant and received knight-hood; was accused of corruption in connexion with the trial of Wilkes 1768; acted as a commissioner of the English great seal 1770-1; died 1778; was buried in the chapel of Lincoln's Inn. [Dict. Nat. Biog.; Foss's Judges.]

1761 Thomas Tenison;

was eldest son of Henry Tenison of Dillonstown in co. Louth, knight of the shire for that county, and Anne, daughter and co-heir of Thomas Moore of Knockballymore in co. Fermanagh, and was grandson of Richard Tenison, bishop of Meath; was born 1707; appears at school in Dublin; matriculated in Dublin University as a fellow-commoner 1725; entered the Middle Temple 1726; became member for Dunleer 1728; was called to the Irish bar 1732; married Dorothy, daughter of Thomas Upton, knight of the shire for co. Antrim, and a collateral ancestor of Viscount Templetown same year; obtained with her a fortune of ten thousand pounds; acted as a commissioner for revenue appeals 1732-8, 1741-59; became prime serjeant 1759; was re-elected for Dunleer 1761; became a justice of the Common Pleas same year; resided in Dublin successively in St. Mary's-abbey and Rutland-square, and in co. Louth at Dillonstown; died 1779.

1764 John Gore, Lord Annaly;

was second son of Mr. Justice Gore and Bridget Sankey; was born 1718; matriculated in Dublin University as a fellow-commoner 1734; entered the Middle Temple 1736;

graduated as bachelor of arts 1737 ; was called to the Irish bar 1742 ; became member for Jamestown 1745 ; married the Honourable Frances Wingfield, second daughter of Richard, first Viscount Powerscourt, 1747 ; became a king's counsel 1749 ; appears as counsel to the board of revenue ; succeeded his brother as owner of Tenelick in co. Longford 1758 ; became partner in a bank which existed for less than a year 1759 ; was appointed solicitor-general 1760 ; became knight of the shire for co. Longford 1761 ; was appointed chief justice of the King's Bench 1764 ; became a peer as Baron Annaly of Tenelick 1766 ; was recommended for office of chancellor 1767 ; acted during the vacancy in that office as speaker in the house of lords same year ; dissented from limiting duration of parliaments 1768, and from vote of thanks to the volunteers 1779 ; acted occasionally as speaker in the house of lords 1780, 1781, 1783 ; resided in Dublin in St. Stephen's-green and in co. Longford at Tenelick ; died 1784 ; was buried at Tashinny ; was succeeded by his brother who was created a peer with same title. [Dict. Nat. Biog.]

1765 Richard Clayton ;

was second son of Richard Clayton of Adlington in Lancashire ; was born 1702 ; entered the Inner Temple 1724 ; was called to the bar there 1729 ; acted as one of the counsel for Colonel Towneley 1746 ; became recorder of Wigan and was elected member 1747 ; became a king's counsel and bencher of the Inner Temple 1768 ; went to Ireland as chief justice of the Common Pleas 1765 ; resided in Dublin in St. Stephen's-green ; resigned 1770 ; died at Adlington later in that year ; was buried in Standish Church ; was unmarried and was succeeded by his nephew and namesake, Richard Clayton, who was created a baronet, and is now represented by the family of Browne-Clayton. [Vict. Hist., Lancaster County, vi. 218.]

1766 Anthony Foster ;

was eldest son of John Foster of Dunleer in co. Louth and Elizabeth, youngest daughter of William Fortescue of Newrath in that county ; was born 1705 ; appears at school in Dublin as a pupil of Swift's friend Thomas Sheridan ; matriculated in Dublin University 1722 ; graduated as

bachelor of arts 1726; entered the Middle Temple same year; was called to the Irish bar 1732; married Elizabeth, daughter of William Burgh of Dublin and of Bert in co. Kildare 1736; became member for Dunleer 1737; was awarded a premium for making cider 1746; married as his second wife Dorothea, daughter of Thomas Burgh of Oldtown in co. Kildare 1749; appears as owner of Collon in co. Louth 1751; was given then a patent to hold there a weekly market and two annual fairs; became a king's counsel and counsel to the board of revenue 1760; was elected knight of the shire for co. Louth 1761; rendered great service to the linen manufacturers of Ireland; received in recognition an address in a gold box from the linen-drappers of Ulster, the freedom of Drogheda, and plate value for four hundred pounds from the linen board 1764-5; was appointed chief baron of the Exchequer 1766; resided in Dublin successively in King-street and Kerry-house in Molesworth-street, near Dublin at Merville on the Stillorgan-road, and in co. Louth at Collon; was visited at Collon by Arthur Young 1776; retired from the bench 1777; died 1779; left issue including John Foster, last speaker of the Irish house of commons, whose wife was created Viscountess Ferrard and who was himself created afterwards Lord Oriel.

1766 Edmund Malone;

was second son of Richard Malone of Baronston in co. Westmeath and Marcella, daughter of Redmond Molady, and was brother of Anthony Malone, the orator; was born 1704; entered the Middle Temple 1722; was called to the bar there 1730; practised in England; married Catherine, daughter and heiress of Benjamin Collier of Ruckholt in Essex 1736; went to Ireland; was called to the bar there 1740; became a king's counsel 1745; was elected member for Askeaton 1753; received from Dublin University degree of doctor of laws *honoris causa* 1756; was appointed second serjeant 1759; became member for Granard 1761; lost his wife 1765; was appointed a justice of the Common Pleas 1766; resided in Dublin in St. Stephen's-green; died 1774; left issue including Richard Malone, who was created Lord Sunderlin, and Edmund Malone, the Shakespearean commentator. [Dict. Nat. Biog.]

1767 James Hewitt, Viscount Lifford ;

was eldest son of William Hewitt, sometime mayor of Coventry, and Hannah Lewis ; was born 1715 ; appears as pupil of a Warwickshire attorney ; entered the Middle Temple 1737 ; was called to the bar there 1742 ; married Mary, daughter of the Venerable Rice Williams, arch-deacon of Carmarthen, prebendary of Worcester, and rector of Stapleford Abbots in Essex, 1749 ; contested Coventry unsuccessfully 1754 ; became a serjeant 1755 ; had then a residence at Alveston near Stratford-on-Avon ; became king's serjeant 1759 ; was elected member for Coventry 1761 ; showed independence and energy, but did not gain a high reputation in the house of commons ; appears suffering from gout 1764 ; lost his wife 1765 ; was appointed a justice of the English King's Bench 1766 ; married as his second wife, Ambrosia, daughter of the Rev. Charles Bayley, vicar of Navestock in Essex ; went to Ireland as chancellor in the opening weeks of 1768 ; was created then a peer as Baron Lifford of Lifford in co. Donegal ; acted as speaker in the house of lords for part of the session ; was voted an extra allowance as speaker on account of his particular merit and faithful services ; acted as speaker in the house of lords 1769 ; was voted double the former extra allowance for his services ; acted as speaker in the house of lords 1771-2, 1773-4 ; was reported to be in bad health in the last year ; acted as speaker in the house of lords 1775-6, 1776, 1777-8, 1779-80 ; dissented from a vote of thanks to the volunteers in the last session ; was advanced in the peerage as Viscount Lifford 1781 ; acted as speaker in the house of lords 1781-2 ; was recommended for a pension on account of his large family and the expense of his station 1782 ; acted as speaker in the house of lords 1783-4, 1785, 1786, 1787 ; was voted three times the original extra allowance for his services in the last session ; became for a short time a lord justice 1787 ; acted as speaker in the house of lords 1788 ; visited England in the summer ; became for a short time a lord justice later in that year ; acted as speaker in the house of lords 1789 ; dissented from resolutions as to the regency ; died during the session ; was buried in Dublin in Christ Church Cathedral ; resided in Dublin in Sackville-street, and near Dublin successively at Drumcondra, Santry, and Stillorgan ; left issue including

a son who succeeded him and a son who became a justice of the King's Bench. [Dict. Nat. Biog. ; Foss's Judges.]

1768 William Henn ;

was second son of Thomas Henn of Paradise in co. Clare and was probably a collateral descendant of Chief Baron Henn ; entered the Middle Temple 1738 ; graduated in Dublin University as a bachelor of arts 1740 ; was called to the Irish bar 1744 ; became a king's counsel 1762 ; was appointed a justice of the King's Bench 1768 ; resided in Dublin successively in Ship-street, Castle-street, Molesworth-street, and Merrion-street ; retired 1791 ; died 1796 ; married Elizabeth Parry and left issue including a son, who became a master-in-chancery.

1768 George Smyth ;

was sixth son of Thomas Smyth, bishop of Limerick, and Dorothea, daughter of Ulysses Burgh, bishop of Ardagh, and brother of Arthur Smyth, archbishop of Dublin ; was born 1705 ; appears at school in Limerick ; matriculated in Dublin University 1723 ; graduated as a bachelor of arts 1727 ; entered the Middle Temple 1728 ; was called to the Irish bar 1734 ; married Catherine Rawson 1739 ; became a king's counsel 1758, and chairman of quarter sessions in Dublin county 1759 ; was elected member for Blessington in latter year ; received from Dublin University degree of doctor of laws *honoris causa* 1760 ; failed to obtain a seat in parliament 1761 ; acted as chairman of an inquiry as to mental capacity of Nicholas, Earl of Ely 1764 ; appears as seneschal of the see of Dublin 1765 ; was re-elected for Blessington 1768 ; became a baron of the Exchequer later in the same year ; lost his wife 1770 ; resided in Dublin in Ship-street ; died at Bath 1772 ; was buried in Bath Abbey.

1770 Marcus Paterson ;

was third son of Montrose Paterson of Ennis in co. Clare ; was born 1712 ; appears at school in Limerick ; matriculated in Dublin University 1732 ; became a scholar 1734 ; graduated as a bachelor of arts 1736 ; entered the Middle Temple 1737 ; was called to the Irish bar 1742 ; became a king's counsel 1756 ; was elected member for Ballinakill same year ; became third serjeant 1757 ;

was re-elected for Ballinakill 1761; became solicitor-general 1764; received from Dublin University degree of doctor of laws *honoris causa* 1765; opposed, being the only member who did so, the bill for the limitation of the duration of parliament 1768; was elected member for Lisburn same year; became chief justice of the Common Pleas 1770; resided in Dublin in Dawson-street; contemplated resignation and was reported to have died 1786; died near Bray 1787.

1772 Richard Power ;

was second son of John Power of Barretstown in co. Tipperary; entered the Middle Temple 1752; was called to the Irish bar 1757; became usher of the court of Chancery 1763; was elected member for Monaghan 1767, and for Tuam 1768; became a king's counsel in the latter year; received from Dublin University degree of doctor of laws *honoris causa* 1769; was appointed baron of the Exchequer 1772; resided successively in Stephen's-street and Kildare-street; was summoned to render an account as usher of the court of Chancery 1794; resented the order; was found drowned at the mouth of the Liffey; is believed to have committed suicide; left his property to his nephew.

1774 Godfrey Lill ;

was third son of Thomas Lill of Dublin; was born 1719; appears at school in Dublin; matriculated in Dublin University 1734; became a scholar 1737; entered the Middle Temple 1738; graduated as bachelor of arts 1739; proceeded master of arts 1741; was called to the Irish bar 1743; became a master in chancery 1749; joined the King's Inns 1754; married Mary, only daughter of Nathaniel Bull of East Sheen in Surrey; retired from office of master of chancery 1760; became a king's counsel same year; was elected member for Fore 1761; became counsel to the board of revenue 1766 and third serjeant 1767; was elected member for Baltinglas 1768; became solicitor-general 1770; was appointed a justice of the Common Pleas 1774; resided in Dublin successively in Chancery-lane, Werburgh-street, St. Stephen's-green, and Merrion-square; died while holding the summer assizes at Enniskillen 1783; left two daughters, one of whom was married to Andrew, Viscount Castlestuart.

1776 George Hamilton ;

was third son of Alexander Hamilton of Dublin, member for Killyleagh, and Isabella, daughter of Robert Maxwell of Finnebrogue in co. Down ; was born 1732 ; appears at school in Belfast ; matriculated in Dublin University 1747 ; became a scholar 1749 ; entered the Middle Temple 1750 ; was called to the Irish bar 1756 ; became a king's counsel 1767 ; was elected member for Belfast 1768 ; received from Dublin University degree of doctor of laws *honoris causa* 1772 ; became third serjeant 1774 ; was appointed a baron of the Exchequer 1776 ; resided in Dublin successively in Bride-street, Kildare-street, and Sackville-street, and in co. Dublin at Hampton-hall near Balbriggan ; died at Oswestry 1793 ; married his cousin Elizabeth, daughter of George Hamilton of Tyrella in co. Down, and left issue.

1777 James Dennis, Lord Tracton ;

was eldest son of John Dennis of Dublin and Anne Bullen ; was born 1721 ; matriculated in Dublin University 1735 ; entered the Middle Temple 1739 ; was called to the Irish bar 1746 ; became a king's counsel 1757 ; was elected member for Rathcormack 1761 ; received the freedom of Dublin 1764 ; became third serjeant same year and second serjeant 1767 ; was elected member for Youghal 1768 ; became prime serjeant 1774 ; was re-elected for Youghal 1776 ; became chief baron of the Exchequer 1777 ; was created a peer as Baron Tracton of Tracton Abbey in co. Cork 1781 ; died 1782 ; was buried in Cork Cathedral ; resided in Dublin successively in Kevin-street and at Tracton-house, St. Stephen's-green ; was married but left no issue. [The Irish Builder, 1894, pp. 172, 240.]

1779 Robert Hellen ;

was son of Robert Hellen of Whitehaven in co. Cumberland ; was born there 1725 ; appears at school in Dublin ; matriculated in Dublin University as a sizar 1742 ; graduated as bachelor of arts 1746, and as bachelor of laws 1749 ; entered the Middle Temple in latter year ; was called to the Irish bar 1755 ; married Dorothea Daniel of Newtown in co. Dublin 1761 ; was said to have obtained in her a wife of great beauty and merit with a considerable fortune ; became member for Bannow 1768 ; received from Dublin

University degree of doctor of laws *honoris causa* 1769 ; appears as a king's counsel 1774 ; became member for Fethard 1776 ; was appointed solicitor-general 1777 ; became a justice of the Common Pleas 1779 ; resided in Dublin successively in Cuffe-street and at Mespil-house ; died 1793 ; was buried in Dublin in St. Luke's churchyard ; left four daughters.

1782 Walter Hussey Burgh ;

was only son of Ignatius Hussey of Dublin, a barrister, and Elizabeth, daughter of Thomas Burgh of Oldtown in co. Kildare, surveyor-general of Ireland and member for Naas ; was born 1742 ; appears at school in Dublin ; matriculated in Dublin University as a fellow-commoner 1758 ; entered the Middle Temple 1761 ; graduated as bachelor of arts 1762 ; married Anne, daughter of Thomas Burgh of Birt in co. Kildare 1767 ; was called to the Irish bar 1769 ; became member for Athy same year ; was said to have attained to the front rank of his profession in the first year of his practice ; appears with the name of Burgh after his patronymic 1776 ; became member for Dublin University same year ; was appointed prime serjeant 1777 ; received from Dublin University degree of doctor of laws *honoris causa* same year ; supported Grattan in his demand for free trade and gained an extraordinary reputation as a parliamentary orator ; appears as a monk of the screw ; resigned office of prime serjeant 1779 ; was reappointed in summer of 1782 ; became chief baron of the Exchequer a month later ; lost his wife at that time ; resided in Dublin successively in Kildare-street and Dominick-street and in co. Kildare at Donore ; died while holding the summer assizes at Armagh 1783 ; was buried in Dublin in the churchyard of St. Peter's Church ; left issue. [Dict. Nat. Biog.]

1783 Barry Yelverton, Viscount Avonmore ;

was eldest son of Francis Yelverton of Kanturk in co. Cork and Elizabeth, daughter of Jonas Barry of Kilbren in same county ; was born 1736 ; appears at school at Charleville ; matriculated in Dublin University as a sizar 1753 ; appears as a scholar 1755 ; graduated as a bachelor of arts 1757 ; was sometime usher in a school in Dublin ; entered the Middle Temple 1759 ; graduated as bachelor of laws 1761 ;

married Mary, daughter of William Nugent of Clonlost same year; was called to Irish bar 1764; became a king's counsel 1772; was elected member for Donegal 1774; proceeded doctor of laws same year; was elected member for Carrickfergus 1776; founded the order of the monks of the screw 1779; gained an extraordinary reputation at the bar and in parliament as an orator; supported Grattan in his demand for legislative independence; became attorney-general 1782; was appointed chief baron of the Exchequer 1783; became M.R.I.A. 1787; was created a peer as Baron Avonmore in co. Cork 1795; supported the Union 1800; was advanced then to a viscounty as Viscount Avonmore of Derry Island in co. Tipperary; lost his wife 1802; resided in Dublin successively in Ely-place and Marlborough-street, and near Dublin at Fortfield, Terenure; died 1805; was buried near Dublin at Rathfarnham; left issue, including his successor in the peerage. [Dict. Nat. Biog.]

1783 Thomas Kelly ;

was son of Edmund Kelly of Fidane in co. Galway; entered the Middle Temple 1747; was called to the Irish bar 1753; is said to have practised sometime in the West Indies; went the Connaught circuit; became a king's counsel 1767; acted as a justice of assize 1772; became prime serjeant 1782; was elected member for Portarlington 1783; became a justice of the Common Pleas same year; was admitted then to the privy council; resided in Dublin successively in Derby-square, Capel-street, and Rutland-square and in co. Kildare at Kellyville near Athy; retired 1801; died 1809; was buried in Dublin in St. Mary's Church; married and had issue including the Rev. Thomas Kelly, a hymn-writer and founder of the Kellyites.

1783 Samuel Bradstreet, baronet ;

was second son of Sir Simon Bradstreet of Kilmainham in co. Dublin, baronet, and Ellen, daughter of Samuel Bradstreet of Tinnescolly in co. Kilkenny; was born about 1735; appears at school in Dublin; matriculated in Dublin University as a fellow-commoner 1752; entered the Middle Temple 1753; was called to the Irish bar 1758; became recorder of Dublin 1766; was made in right of that office

a king's counsel 1767 ; married Elizabeth, daughter and heir of James Tully, a physician in Dublin 1771 ; succeeded on the death of his elder brother to baronetcy 1773 ; was elected member for Dublin 1776 ; took a prominent part in debate and was, to some extent, identified with the popular party ; was re-elected as member for Dublin 1783 ; became a justice of the King's Bench as an addition to existing number same year ; resided in Dublin successively in Skinner-row, William-street, Mespil-house, and Merrion-square, and near Dublin at Booterstown ; died 1791 ; left issue including his successor in the baronetcy. [Dict. Nat. Biog. ; *The Irish Builder*, 1887, p. 155.]

1783 Alexander Crookshank ;

was eldest son of William Crookshank of Dublin ; entered the Middle Temple 1762 ; was called to the Irish bar 1766 ; married Miss Kennedy of Londonderry 1768 ; was elected member for Belfast 1776 ; was sometime a commissioner of bankrupts and became a king's counsel 1781 ; was re-elected for Belfast 1783 ; became a justice of the Common Pleas as an addition to the existing number same year ; visited England 1788 ; acted as one of the judges on the special commission after the Rebellion in 1798 ; resigned 1800 ; resided in Dublin successively in Cuffe-street and Leinster-street and near Dublin in Newtown-park, Black-rock ; died 1813 ; was buried near Dublin at Monkstown ; left issue. [*Irish Memorials Ass.*, viii. 55.]

1783 Peter Metge ;

was second son of Peter Metge of Athlumney in co. Meath, and Anne Lyons ; matriculated in Dublin University 1758 ; entered the Middle Temple 1762 ; graduated as bachelor of arts 1763 ; was called to the Irish bar 1769 ; married Sophia Jane, second daughter of Sir Marcus Lowther Crofton of Mote in co. Roscommon, baronet ; was elected member for Ardee 1776 ; lost his wife 1777 ; appears as a monk of the screw 1779 ; became judge of the admiralty court and third serjeant 1782 ; was returned as member for Boyle and Ratoath, and elected to sit for Ratoath 1783 ; became a baron of the Exchequer as an addition to the existing number same year ; resigned 1801 ; resided in Dublin successively in Henry-street and Dominick-street ; died

1809 ; was succeeded by his brother. [Irish Memorials Ass., vi. 161.]

1784 John Scott, Earl of Clonmell ;

was third son of Thomas Scott of Mohubber in co. Tipperary and Rachel daughter of Mark Prim ; was born 1739 ; matriculated in Dublin University 1756 ; became a scholar 1758 ; entered the Middle Temple same year ; graduated as bachelor of arts 1760 ; was called to the Irish bar 1765 ; married Catharine Anna Maria, daughter of Thomas Mathew of Thomastown in co. Tipperary, sister of Francis, Earl of Llandaff, and widow of Philip Roe, 1768 ; was elected member for Mullingar same year ; became a king's counsel 1770 ; lost his wife 1771 ; became counsel to the board of revenue 1772 ; was appointed solicitor-general 1774 ; received from Dublin University degree of doctor of laws *honoris causa* 1775 ; was re-elected for Mullingar 1776 ; became attorney-general 1777 ; married as his second wife, Margaret, daughter and heiress of Patrick Lawless of Dublin, 1779 ; escaped narrowly from rioters who attacked his house same year ; was superseded as attorney-general 1782 ; became member for Portarlington 1783 ; was appointed prime serjeant same year ; became also clerk of the pleas in the Exchequer for life ; was appointed chief justice of the King's Bench 1784 ; became then a peer as Baron Earlsfort of Lisson Earl in co. Tipperary ; acted occasionally as speaker in the house of lords 1786 ; was very ill same year ; acted occasionally as speaker in the house of lords 1787, 1788 ; visited Tunbridge Wells in latter year ; acted as speaker in the house of lords, and as a commissioner of the great seal 1789 ; was advanced in the peerage as Viscount Clonmell later in that year ; acted occasionally as speaker in the house of lords 1793 ; was advanced in the peerage as Earl of Clonmell same year ; acted occasionally as speaker in the house of lords 1797 ; died 1798 ; was buried in Dublin in St. Peter's Church ; resided in Dublin successively in William-street and Harcourt-street, and near Dublin at Neptune, now Temple-hill, Blackrock ; left issue including his successor in the peerage. [Dict. Nat. Biog.]

1787 Hugh Carleton, Viscount Carleton ;

was eldest son of Francis Carleton of Cork and Rebecca,

daughter of Hugh Lawton of Lake March in co. Cork ; was born 1739 ; entered Kilkenny school 1752 ; matriculated in Dublin University 1755 ; entered the Middle Temple 1758 ; was called to the Irish bar 1764 ; married Elizabeth, daughter of Richard Mercer of Dublin 1766 ; became a king's counsel 1768 ; appears as recorder of Cork 1769 ; was elected member for Tuam 1772, and for Philipstown 1776 ; became third serjeant in the latter year, second serjeant 1777, and solicitor-general 1779 ; was elected member for Naas 1783 ; became chief justice of the Common Pleas 1787 ; was elected M.R.I.A. 1788 ; became a peer as Baron Carleton of Anner in co. Tipperary 1789 ; lost his wife 1794 ; married in England as his second wife, Mary Buckley, second daughter of Abednego Mathew of Handley in Dorsetshire, 1795 ; was advanced in the peerage as Viscount Carleton of Clare in co. Tipperary 1797 ; acted as head of the special commission after the Rebellion in 1798 ; voted for the Union ; resided in Dublin successively in Fishamble-street, Dawson-street, Hog-hill, and St. Stephen's-green, and near Dublin at Willow-park, Booterstown ; retired from the bench and became one of the representative peers of Ireland 1800 ; resided afterwards in London ; lost his second wife 1810 ; received from Oxford University degree of doctor of civil law *honoris causa* same year ; was residing in George-street, Hanover-square, 1826 ; died same year ; left no issue. [Dict. Nat. Biog.]

1787 John Bennett ;

was eldest son of George Bennett of Cork ; matriculated in Dublin University 1748 ; entered the Middle Temple 1753 ; was called to the Irish bar 1758 ; became member for Dungarvan but was unseated 1776 ; was returned for Castlemartyr and Charleville and elected to sit for Castlemartyr 1783 ; became a justice of the King's Bench 1787 ; resided in Dublin successively in Ross-lane, Nicholas-street, Leeson-street, and Merrion-street ; died 1792 ; married Jane, daughter of Jonathan Lovett of Liscombe in Buckinghamshire and Kingswell in co. Tipperary, and left issue.

1788 William Fitzgerald, Duke of Leinster ;

was eldest surviving son of James, first Duke of Leinster and Lady Emilia Lennox, second daughter of Charles, second

Duke of Richmond; was born 1749; appears at Eton; matriculated in Cambridge University; became a cornet of horse 1765; travelled abroad; was then styled Earl of Offaly; became member for Dublin 1767; was then styled Marquis of Kildare; was re-elected for Dublin 1768; served as sheriff of co. Kildare 1772; succeeded to peerage 1773; became governor of co. Kildare same year; married the Hon. Emilia Olivia St. George, daughter and heir of St. George, Lord St. George 1775; was admitted to the privy council 1777; became colonel of the first regiment of Dublin Volunteers 1777; was installed as a knight of St. Patrick 1783; became master of the rolls 1788; resigned that office 1789; became clerk of the crown and hanaper 1795; lost his wife 1798; resided in Dublin in Leinster-house and in co. Kildare at Carton; died 1804; was buried in Kildare Abbey; left issue including his successor in the peerage. [Dict. Nat. Biog.]

1789 John Fitzgibbon, Earl of Clare;

was eldest surviving son of John Fitzgibbon of Mount Shannon in co. Limerick, barrister and member successively for Newcastle and Jamestown, and Eleanor, daughter of John Grove of Ballyhimoek in co. Cork; was born 1747; appears at school in Dublin; matriculated in Dublin University as a fellow-commoner 1763; graduated as bachelor of arts 1767; matriculated in Oxford University from Christ Church 1769; was incorporated there as bachelor of arts and proceeded master of arts 1770; was called to the Irish bar 1772; became member for Dublin University 1778; received from Dublin University degree of doctor of laws *honoris causa* 1779; was elected member for Kilmallock 1783; became attorney-general same year; fought a duel with John Philpot Curran 1785; married Anne, eldest daughter of Richard Chapel Whaley of Whaley Abbey in co. Wicklow, 1786; visited London with his wife and was presented at court 1788; was appointed chancellor and created a peer as Baron Fitzgibbon of Lower Connello in co. Limerick 1789; became for a short time a lord justice; acted as speaker in the house of lords 1790; visited England in the autumn; acted as speaker in the house of lords 1791; became vice-chancellor of Dublin University same year; acted as speaker in the house of lords 1792, 1793; visited

England during the latter session ; was advanced in the peerage as Viscount Fitzgibbon of Limerick ; acted as speaker in the house of lords 1794, 1795 ; was attacked by a mob on the arrival of Lord Camden as viceroy in the latter year ; was advanced in the peerage as Earl of Clare ; acted as speaker in the house of lords 1796, 1796-7 ; visited England in the autumn of 1797 ; acted as speaker in the house of lords 1798 ; presided as lord high steward at the trial of Lord Kingston same year ; visited England in the autumn ; acted as speaker in the house of lords 1799 ; visited England in the autumn ; became a peer of Great Britain as Baron Fitzgibbon of Sidbury in Devonshire ; acted as speaker in the house of lords 1800 ; visited England in the winter ; resided in Dublin successively in St. Stephen's-green and Ely-place, in co. Limerick at Mount Shannon, and near Dublin successively at Mount Merrion and Blackrock-house ; died early in 1802 ; was buried in Dublin in St. Peter's Church ; left issue including his successor in the peerage. [Dict. Nat. Biog.]

1789 John Crosbie, Earl of Glandore ;

was only surviving son of William, first Earl of Glandore and Lady Theodosia Bligh, daughter of John, first Earl of Darnley ; was born 1752 ; entered Kilkenny school 1763 ; matriculated in Dublin University as son of a nobleman 1768 ; graduated as bachelor of arts 1771 ; received degree of master of arts *honoris causa* 1772 ; became member for Athboy 1775 and for Ardfert 1776 ; was styled then Viscount Crosbie ; married the Hon. Diana Sackville, eldest daughter of George, first Viscount Sackville, 1777 ; succeeded to peerage 1781 ; became *custos rotulorum* of co. Kerry 1785 ; was admitted as a privy councillor same year ; became joint master of the rolls 1789 ; resided in Dublin in Nassau-street and in co. Kerry at Ardfert Abbey ; appears as M.R.I.A. ; was chosen as a representative peer of Ireland 1800 ; resigned office of joint master of the rolls 1801 ; became F.S.A. same year and F.R.S. 1803 ; lost his wife 1814 ; died at Ardfert Abbey 1815 ; left no issue.

1789 John Joshua Proby, Earl of Carysfort ;

was only son of John, first Lord Carysfort and Elizabeth, eldest daughter of Joshua, second Viscount Allen ; was born 1751 ; appears at Westminster School ; graduated at

Cambridge University from Trinity College as master of arts 1770 ; succeeded to his father's peerage 1772 ; married Elizabeth, daughter of Sir William Osborne of Newtown, co. Tipperary, baronet, 1774 ; became F.R.S. 1779 ; appears residing then near Dublin at Stillorgan-house, which he had inherited through his mother ; lost his wife 1783 ; became a knight of St. Patrick 1784 ; appears residing in Dublin in Dominick-street 1785 ; married as his second wife, Elizabeth, daughter of George Grenville and sister of George, first Marquess of Buckingham 1787 ; was advanced in peerage as Earl of Carysfort 1789 ; became a privy councillor same year ; was also appointed then joint master of the rolls ; became member for East Looe and four months later for Stamford 1790 ; appears as M.R.I.A. ; went as envoy to Berlin 1800 ; resigned office of joint master of the rolls 1801 ; visited St. Petersburg same year ; was created then a peer of Great Britain as Baron Carysfort of the Hundred of Norman Cross in Huntingdonshire ; became F.S.A. 1804 ; was admitted as a privy councillor of Great Britain 1806 ; became joint postmaster-general and a commissioner of the board of control same year ; received *honoris causa* from Oxford University degree of doctor of civil law 1810 and from Cambridge University degree of doctor of laws 1811 ; resided in London in Grosvenor-street and in Huntingdonshire at Elton-hall ; died 1828 ; left issue including his successor in the peerage ; was author of a political tract, of a tragedy, and of a religious essay as well as of poems. [Dict. Nat. Biog.]

1791 **Robert Boyd ;**

was second son of John Boyd of Letterkenny in co. Donegal ; was born 1740 ; appears at school in Londonderry ; matriculated in Dublin University 1758 ; became a scholar 1760 ; graduated as bachelor of arts 1762 ; entered the Middle Temple 1763 ; was called to the Irish bar 1767 ; became recorder of Londonderry 1776 ; appears as a king's counsel 1782 ; was elected member for Boyle 1783 ; failed to obtain a seat in parliament 1790 ; appears as counsel to the board of revenue 1791 ; was appointed a justice of the King's Bench same year ; resigned 1798 ; resided in Dublin successively in Castle-street, Ely-place, and Merrion-square ; died 1814.

1791 The Honourable Joseph Hewitt ;

was third son of James Hewitt, Viscount Lifford, and Mary Williams; was born 1754; entered the Middle Temple 1768; was called to the Irish bar 1776; became cursitor of the court of chancery 1782; contested the borough of Carrickfergus unsuccessfully 1784; became member for Belfast same year; was appointed third serjeant 1787 and second serjeant 1789; became a justice of the King's Bench 1791; resided in Dublin successively in Grafton-street and Kildare-street, and near Dublin at Newtown Park; died 1794.

1792 William Downes ;

was only surviving son of Robert Downes of Donnybrook, knight of the shire for co. Kildare, and Elizabeth, daughter of Thomas Twigge, also of Donnybrook, and was grandson of Dive Downes, bishop of Cork; was born at Donnybrook 1751; matriculated in Dublin University 1768; graduated as bachelor of arts 1773; entered the Middle Temple same year; was called to the Irish bar 1776; became member for Donegal 1790; was appointed a justice of the King's Bench 1792; appeared at first on the special commission after the Rebellion in 1803; became then chief justice of the King's Bench; was appointed vice-chancellor of Dublin University 1806; received then degree of doctor of laws *honoris causa*; acted on a special commission in the west of Ireland to try the Threshers at the close of that year; resigned the chief justiceship 1822; was created then a peer as Baron Downes of Aghanville in King's co.; resided in Dublin successively in South George's-street, Kildare-street, and Merrion-square and near Dublin at Merville on the Stillorgan-road; died 1826; was buried in Dublin in St. Anne's Church; was unmarried, and was succeeded in the peerage under a special remainder by his cousin, Sir Ulysses Burgh. [Dict. Nat. Biog.]

1793 William Tankerville Chamberlain ;

was son of Michael Chamberlain of Dublin; was born 1751; appears at St. Bee's school; matriculated in Dublin University 1769; graduated as bachelor of arts 1774; entered the Middle Temple 1775; was called to the Irish bar 1779; appears as a monk of the screw same year; married Lucy,

daughter of Higatt Boyd of Roslare in co. Wexford 1780 ; was elected member for Clonmines 1791 ; became a justice of the Common Pleas 1793 ; was transferred to the King's Bench 1794 ; acted on the special commission after the Rebellion in 1798 ; resided in Dublin successively in Jervis-street, St. Stephen's-green, and Harcourt-street and near Dublin at Churchtown, Dundrum ; died 1802 ; was buried in Dublin in St. Anne's Church ; left issue. [The Irish Builder, 1887, pp. 251, 264.]

1793 Michael Smith, baronet ;

was only son of William Smith of Newtown in King's co. and Hester Lynch ; was born 1740 ; matriculated in Dublin University 1755 ; became a scholar 1757 ; graduated as bachelor of arts 1759 ; married Maryanne, daughter of James Cusack of Ballyronan in co. Wicklow 1765 ; entered the Middle Temple 1767 ; was called to the Irish bar 1769 ; graduated as a bachelor of laws 1777 ; appears as a monk of the screw 1779 ; was elected member for Randalstown 1783, and was re-elected 1791 ; became a baron of the Exchequer 1793 ; acted on the special commission after the Rebellion in 1798 ; lost his wife same year ; married as his second wife, Eleanor, daughter of his cousin, Michael Smith ; was made a baronet 1799 ; became master of the rolls 1801 ; resigned that office 1806 ; resided in Dublin successively in Chancery-lane, York-street, and Harcourt-street, in King's co. at Newtown, and near Dublin at Kilmacud ; died 1809 ; left issue including his successor in the baronetcy, who was also a baron of the Exchequer.

1794 Matthias Finucane ;

was only son of Andrew Finucane of Ennis in co. Clare, apothecary ; was born 1737 ; matriculated in Dublin University 1755 ; entered the Middle Temple 1759 ; was called to the Irish bar 1764 ; married Anne, daughter of Edward O'Brien of Ennistimon, co. Clare, 1775 ; appears as a monk of the screw 1779 ; became a king's counsel 1784 ; divorced his wife 1793 ; was appointed a justice of the Common Pleas 1794 ; acted on the special commission after the Rebellion in 1803 ; resigned 1806 ; resided in Dublin successively in Kennedy's-lane, Fishamble-street, and Kildare-street, and in co. Clare at Lifford near Ennis ; died 1814 ; left issue.

1794 Denis, George ;

was third son of Dionysius George of St. Stephen's-green, Dublin; appears at school in Dublin; matriculated in Dublin University 1768; graduated as bachelor of arts 1773; entered the Middle Temple 1774; was called to the Irish bar 1776; appears as a commissioner of bankrupts 1780; married Dorothea, daughter of Edward Moore of Moorefort in co. Tipperary 1785; was elected recorder of Dublin same year; joined the King's Inns 1786; became a baron of the Exchequer 1794; acted on the special commission after the Rebellion of 1798; acted also on the one after Emmet's rebellion in 1803; went subsequently on one to Ulster; acted with Chief Justice Downes on the one to try the Threshers in the west of Ireland 1806; resided in Dublin successively in Grafton-street, York-street, and Merrion-street, and near Dublin at Coldblow, Donnybrook; lost his wife 1814; retired 1821; died same year; left issue.

1798 Robert Day ;

was third son of the Rev. John Day of Lowercannon in co. Kerry and Lucy FitzGerald, daughter of Maurice, knight of Kerry; was born 1746; appears at school at Tralee; matriculated in Dublin University 1761; became a scholar 1764; entered the Middle Temple same year; graduated as bachelor of arts 1766; was called to the Irish bar 1774; married Mary, daughter of Samuel Potts, same year; appears as a monk of the screw 1779; proceeded doctor of laws 1780; was elected member for Tuam 1783; became a commissioner for revenue appeals in same year and advocate of the admiralty court 1785; appears as chairman of quarter sessions in Dublin co. 1790; became member for Ardfert and a king's counsel same year; was re-elected for Ardfert 1797; became a justice of the King's Bench early in 1798; acted on the special commission after the Rebellion in that year; presided at the hearing of the King *v.* O'Grady 1816; retired from the bench 1818; lost his wife 1828; resided in Dublin successively in Frederick-street and Merrion-square, near Dublin at Loughlinstown, and in co. Kerry at Tralee; died 1841; was buried near Dublin at Monkstown; left issue a daughter who married Sir Edward Denny, baronet.

1798 Arthur Wolfe, Viscount Kilwarden ;

was fifth son of John Wolfe of Forenaughts in co. Kildare and Mary, only daughter of William Philpot ; was born 1739 ; matriculated in Dublin University 1755 ; became a scholar 1759 ; graduated as a bachelor of arts 1760 ; entered the Middle Temple 1761 ; was called to the Irish bar 1766 ; appears as registrar of the crown and hanaper 1768 ; married Anne, eldest daughter of William Ruxton of Ardee-house in co. Louth 1769 ; became a king's counsel 1778 ; appears as a monk of the screw 1779 ; was elected member for Coleraine 1784 ; became M.R.I.A. 1785 ; was appointed solicitor-general 1787 and attorney-general 1789 ; became member for Jamestown 1790 ; received from Dublin University degree of doctor of laws *honoris causa* 1793 ; obtained a peerage for his wife as Baroness Kilwarden of Killeel in co. Kildare 1795 ; was returned as member for Dublin and Ardfert and elected to sit for Dublin 1797 ; became chief justice of the King's Bench 1798 ; was then created a peer as Baron Kilwarden of Newlands in co. Dublin ; acted occasionally as speaker in the house of lords 1800 ; became Viscount Kilwarden same year ; was appointed vice-chancellor of Dublin University 1802 ; resided in Dublin successively in Aungier-street, Dawson-street, and Clare-street, and near Dublin at Newlands, Clondalkin ; died, being murdered during Emmet's rebellion, 1803 ; was buried at Oughterard in co. Kildare ; left issue including his successor in the peerage. [Dict. Nat. Biog.]

BOOK VI
SOVEREIGNS—GEORGE III TO GEORGE V.
YEARS—1800 TO 1921

CHAPTER I

THE FIRST-FRUITS OF THE UNION

SOVEREIGN—GEORGE III. YEARS—1800 TO 1820

A STAGE has now been reached when the names and attributes of the members of the Irish judicial bench are widely known. With the first forty years of the nineteenth century the anecdotic literature of Ireland connects the dominating oratory of Plunket, the thrilling eloquence of Curran, the silver speech of Bushe, the erudition of Burton, the judicial eminence of Joy and O'Loghlen, the dignity of Downes and Manners, the humour of Toler and O'Grady, and the whimsicality of Smith; and students of the Union controversy recognize amongst those raised to the bench in that period supporters of the measure in Toler, Fox, Daly, Smith, Osborne, McClelland, and the Johnsons, and opponents of the measure in Plunket, Ponsonby, Bushe, Moore, and Jebb.

At the time that the act of Union became law, in the summer of 1800, Lord Clare, who was then an earl and has been styled the great father of the Union, attained to a rank and exercised an influence without parallel in the case of a chancellor of Ireland. Although it was in some degree due to the time in which he lived, his position was mainly the result of his own commanding ability, force of character, and circumstances. It cannot be denied that he was overbearing in temper and manner, and deficient in breadth and generosity of judgement, but it is no less true that he possessed courage, self-reliance, and sagacious discernment. He

was moved neither by applause nor censure, and was able to bring to bear on the questions of his day the experience of one who belonged to a catholic family, although educated as a protestant, and was of the middle class, although born to affluence.¹ His public career was a short one of less than thirty years, for more than twelve of which he held the great seal. Before entering upon it he had gained in Dublin the highest academic honours, had added to his distinctions at Oxford, and had been called to the bar in consideration of his attainments, like Burgh, without keeping terms. When six years at the bar he entered parliament; in five years more he was attorney-general; in six years more he was chancellor and a baron; in four years more he was a viscount; in two years more he was an earl; in four years more he was a baron of Great Britain; and in three years more he was dead.

An examination of Clare's judicial remains has convinced a well-qualified writer of our own time² that he had all the essentials of a great judge, and that contrary to what would be generally expected, he evinces in his judgements a disposition to take a generous, humane, and liberal view. Similarly one of his most distinguished Irish contemporaries,³ who dwells on his love of justice and rapid intuition of truth, says that his high ground was to be found as an interpreter and administrator of the law and superintendent of the legal department. As this contemporary remarks, Clare's recommendations for judicial office did him much credit. Of the judges at the time of his death he was responsible for the selection of the five most esteemed, Downes, Chamberlain, Michael Smith, Finucane, and George, and he inveighed with characteristic violence against the subordination of competence to political service in

¹ John Thomas Ball (*Irish Legislative Systems*, p. 183).

² Cæsar Litton Falkiner (*Studies of Irish History*, p. 101).

³ William Magee (*Annual Register*, 1802, p. 705).

the judicial appointments that were being made at the time of his death.

Within four years of the passing of the act of Union no less than six barristers were raised to the bench solely because they had supported the measure in the Irish parliament. Not one of the six was free from objection on the ground either of brieflessness, or of acrimony, or of youth, and within a year from the appointment of the last of the six, two of them were arraigned, one in the English King's Bench for libel and the other in the house of lords for political partisanship and tyrannical conduct. As judicial salaries had a few years before been raised ¹ and pensions were an act of grace, the government favourites would have waited long for their reward if there had not been passed simultaneously with the act of Union, an act which enabled any judge to retire after fifteen years' service, or if incapacitated at any time, with a pension calculated at four-fifths of his salary.²

Before this act had received the royal assent Carleton was seized with a fit of hypochondriasm, and when only sixty-one years of age and thirteen years on the bench, he announced his intention of retiring on the ground of incapacity and going to live in London.³ He was elected one of the representative peers, and although his own party regretted that his cautious timidity prevented his helping them often in debate,⁴ he proved so useful a member of the British house of lords that his political opponent, Grenville, on becoming chancellor of Oxford University, nominated him for an honorary degree. His independence in regard to the Union, which he upheld by his vote and voice, cannot be doubted. He did not support the measure without

¹ Statutes of Ireland, xvii. 1040.

² Ibid., xx. 828.

³ Cornwallis's Corr., iii. 265.

⁴ Brit. Mus. Add. MSS., 35717, f. 141.

hesitation or refrain from criticizing its conduct, and at the time that he accepted its principles, he had attained to the highest rank in the peerage to which he aspired, and could not have foreseen the advantageous position in which he was to be placed in regard to his retirement.¹ Although it was not possible for Carleton to claim a pension on the ground of length of service, that course was open to Yelverton, Kelly, Crookshank, and Metge. Within twelve months it was taken by the last three, and in addition to their seats that of the master of the rolls was placed at the disposal of the government on the surrender of the emoluments by the Earls of Glandore and Carysfort, whose kindness in accepting them was rewarded by pensions greater in amount.

The first supporter of the Union to be raised to the bench was Luke Fox, who in the autumn of 1800 took Crookshank's place in the Common Pleas. At the bar where he had attained to a silk gown, he was valued for his subtlety and cogent arguments,² but he was most uncertain in temper and accorded in character, his detractors said, with his name.³ Although he had only such help as could be expected in the case of a fifth son of a Leitrim landowner, he entered upon his career with the hall-mark of Dublin University and Lincoln's Inn, and advanced his prospects by writing in London for the whigs and marrying in Ireland a niece of Lord Ely. Through the latter he obtained, seven years before the Union, a seat in the Irish parliament, and supported the government until shortly before the question of the Union arose when he joined the opposition. In the first divisions on the Union resolutions he did not vote, and took afterwards a tortuous course, for having obtained a seat with the help of the anti-unionists he proceeded to support the Union by every

¹ Brit. Mus. Add. MSS., 33106, ff. 167, 186, 201, 217.

² Sketches of Irish Political Characters, p. 216.

³ The Twelve, p. 37.

means in his power. In the autumn of 1799 he addressed a letter to Castlereagh on the catholic claims, taking a line agreeable to the minister, but deviating from his own a few years before,¹ and on the opening of the session of 1800 he had made himself so indispensable that his services were retained by a king's letter designating him a justice of the Common Pleas before a vacancy on the bench had been declared.

Another seat to be filled in the autumn of 1800 was the chief one in the Common Pleas vacated by Carleton. It was claimed by the attorney-general, John Toler, the future Lord Norbury, who was then over sixty and lived to be a nonagenarian. His title to it dated from his appointment eleven years before as solicitor-general in return for his support of the government on the regency question,² and was not improved by such help as he was able to give in the Union debates. Inherently he was a jovial fox-hunting Tipperary gentleman, with strong protestant and tory predilections. At the bar he had made his way by boisterous daring and a good memory, and in the house of commons by consistent support of the government and readiness to meet an adversary in the field. During the quarter of a century that he was a member, he was no stranger to favour. For some years he was chairman of quarter sessions in county Dublin, for five a sergeant, for nine solicitor-general, and for two attorney-general, and, towards the close of his tenure of the solicitor-generalship, his wife was made, like Wolfe's, a peeress in recognition of the intrepidity with which he set himself against "the seditious and levellers," both in and out of the house of commons.³

In addition to the promotions of Fox and Toler, towards the close of the year 1800, the office of master

¹ Castlereagh's Corr., ii. 408.

² Grattan's Memoirs, iii. 509.

³ Buckingham's Court and Cabinets of George III, ii. 330.

of the rolls was offered to the third baron of the Exchequer, Michael Smith, who had become prominent as the recipient of a baronetcy.¹ For that honour which had been conferred upon him while the battle for the Union was at its height, he was indebted to his son, who was one of Castlereagh's most able lieutenants, and for the proposal now made to him he had to thank the pressure of Union engagements rather than his capacity, which was, however, universally admitted. As a result of negotiations that ensued, it was arranged that for the future the master of the rolls should discharge judicial functions and enjoy a salary greater than that of a puisne judge, and that a bill to give effect to these proposals should be at once laid before parliament.

As soon as the bill had been passed, in the spring of 1801,² Smith vacated his seat in the Exchequer, and a second supporter of the Union, St. George Daly, received his reward. His appointment was ill received by his own profession. He had spent eighteen years at the bar with an empty brief-bag, and was unpopular on account of his taciturn disposition and acceptance of the prime serjeantship from which a national hero was removed. As a younger brother of Grattan's friend, Denis Daly, he was expected to be against the Union, but he was foremost in trying to rally support for it at the bar, and in spite of some hesitation in his speech, he made several vigorous attacks on the opposition in the house of commons.³

At the same time that Daly ascended the bench in the Exchequer, a third barrister who had earned a seat by his Union services, Robert Johnson, came in place

¹ Cornwallis's Corr., iii. 302.

² Liber Munerum, vi. 45.

³ Barrington's Historic Memoirs, ii. 287, 290, 346; Sketches of Irish Political Characters, p. 142; Cornwallis's Corr., iii. 42, 164; Grattan's Memoirs, v. 14.

of Kelly into the Common Pleas. His appointment was even worse received than that of Daly. In addition to being thought deficient in knowledge, he was regarded as an adventurer, having held at one time an unprofessional office that gained him the sobriquet of "the legal barrack-master," and although he was the son of a medical practitioner, he had also the disadvantage of a rough exterior.¹ In early life he had been notable for his aggressive patriotism,² but after entering parliament, which he did about the time of the regency debates, he was no less remarkable for his servility to those in power, which obtained for him the position of counsel to the revenue and made him a useful understrapper during the Union conflict.³

Not many months after the Exchequer lost Sir Michael Smith, it gained his son, William Cusac Smith, who succeeded to the vacancy caused by Metge's retirement, and was the fourth of the supporters of the Union to be appointed a judge. His talents are apparent in opuscles legal, political, metaphysical, and poetical, and were appreciated in his early years by Burke,⁴ and in his later ones by Whiteside,⁵ but his elevation to the bench was much criticized as he was only thirty-five and notorious for peculiarity of temperament. He did not belie the apprehensions of the critics, and proved as a judge disregardful of convention by a proneness to engage in political controversy, by a habit of working by night and resting by day, and by an assumption of pseudonyms that thinly veiled fervid egotism and self-applause. In his opinions, he was affected by the fact that his mother belonged to a Roman Catholic family and professed that religion, and by a

¹ Barrington's Personal Sketches, i. 463, 475.

² Memoirs of Grattan, i. 363; ii. 451; v. 159; Letters of Guatimozin, *Dubl.*, 1779.

³ John Beresford's Corr., ii. 196, 217.

⁴ The Metropolitan Mag., xxii. 155.

⁵ Whiteside's Early Sketches, p. 274; cf. *Dubl. Univ. Mag.*, i. 190.

sense of superiority in having been a gentleman commoner in the House at Oxford, and a frequent visitor to the continent. In the various stages of his life precocity is evident. While a child he appears as the show boy of his school, reciting verses written by his father ;¹ at twenty he left Oxford with a degree ; at twenty-one he married ; at thirty he was a member of parliament and a king's counsel ; and at thirty-four he was solicitor-general.

Soon after Smith's appointment in the opening weeks of 1802, Clare died. His constitution was not so strong as his character. In early life he is mentioned as suffering from ague,² and in later life he was laid up for weeks with bronchial trouble.³ When he made his great speech on the Union in the beginning of 1800 he appeared to others in the full vigour of life, but he says that he was exhausted by it,⁴ and at the close of that year, when he made his will, he had possibly a foreboding that his life would not be long.⁵ In the summer of 1801 he was ill in London,⁶ and in the autumn he was unwell at his seat near Limerick.⁷ When again at Mount Shannon, two months later, he was seized with violent hæmorrhage at the nose, and after some weeks he was with difficulty brought to Dublin, where he died in three days.⁸ At his funeral insults were offered to his remains by an organized gang and evoked from one who was not always sympathetic with him in political opinions, the following lines :⁹

Cold is thy heart ; hushed is thy voice ;
 Around thy sacred urn,
 Rapine and fraud and guilt rejoice,
 While truth and justice mourn.

¹ Leaves from a Family Tree, by Sir Berry Cusack Smith, Brighton, 1912.

² Brit. Mus. Add. MSS., 34418, f. 466. ³ Auckland's Corr., iv. 37.

⁴ Annual Register, 1802, p. 705 ; Brit. Mus. Add. MSS., 34455, f. 256.

⁵ Ibid., 35718, f. 178. ⁶ Ibid., 35771, f. 69. ⁷ Ibid., 34455, f. 256.

⁸ Ibid., 35771, ff. 186, 188 ; 35732, f. 261. ⁹ Edward Lysaght.

Legal learning in Ireland received a great impetus under Clare's successor, Lord Redesdale. Unlike those who had been formerly sent from England to hold the Irish great seal, he had an indubitable right to do so. Although somewhat obscured by his holding the offices of attorney-general and speaker of the house of commons, his fame as an equity lawyer had been for all time established by his *Treatise on Chancery Pleadings*, and when he went to Ireland his reputation professionally was but second to that of Eldon. He did not accept office there without hesitation, and was only induced to do so under pressure from Addington who was then prime minister. In exerting it, Addington was influenced by the belief that Redesdale's appointment as chancellor was the greatest boon that could be conferred upon Ireland, and the ministry were so impressed by the importance of securing his services that they attached to the chancellorship a salary of ten thousand pounds sterling a year.¹

Redesdale persuaded himself that he had entered upon what he designated "a situation of mortification" from a sense of duty, but he was also influenced by a love of money, which he expected to be able to accumulate in Ireland. He had been assured by Addington that as the Irish chancellors had enjoyed immunity from removal since the time of Midleton, he might depend on having long tenure of office, and he believed that his expenses would be small and that the cost of living would be less than in England. All these anticipations were ill-grounded. Tenure of the Irish chancellorship was to depend for the future on the holder being in political agreement with the English ministers, as was exemplified four years later in Redesdale's own case; the expenses of the office had been brought to their maximum under Clare, and could not be reduced by a stranger; and the cost of living for

¹ Twiss's *Life of Eldon*, i. 401; *Liber Munerum*, vi. 150.

an Englishman was then far higher in Dublin than in London.¹

Redesdale was uncompromising in upholding tory principles, and was a most determined opponent of catholic emancipation, but on the bench he was colourless. Contemporary testimony is unanimous in applauding his efforts to reform legal practice in Ireland. His most bitter political opponent could find no flaw in his decisions, and the bar hung on his words and were inspired by his learning, diligence, and scientific discussions.² Although it was at times overwhelming, his loquacity was considered to be amply compensated for by his alterations in procedure :

So clear, so just, the motives he explains,
That ev'n the vanquish'd satisfied remains ;
So upright his decrees, so firm their bases,
Attempts to shake them but their strength increases ;
And suits are so abridg'd by his curtailing,
No suitor need complain his chat 's a failing.³

While holding the great seal, Redesdale made strenuous efforts to secure fit appointments to the bench. He had not been in Ireland many weeks when Chamberlain, who was a martyr to gout, was cut off at the age of fifty. From the bench and bar he heard the opinion that Ireland could ill spare the loss of one who was both an able and upright judge and a sound lawyer,⁴ and he did all in his power to have professional merit considered in the selection of his successor.⁵ But he was powerless in face of the Union engagements, and Charles Osborne, the fifth of the Union protagonists, was brought

¹ Memoir of Letroy, p. 24 ; Brit. Mus. Add. MSS., 35718, ff. 85, 203.

² Shiel's Sketches of the Irish Bar, New York, 1854, i. 227 ; The Twelve, p. 46.

³ The Metropolis, ii. 38 ; cf. The Farington Diary, ii. 149.

⁴ Dublin Evening Post, 1802, May 15 ; The Metropolis, ii. 12 ; cf. Brit. Mus. Add. MSS., 35717, f. 12.

⁵ Ibid., 35772, f. 10.

into the King's Bench. Although he was counsel to the revenue, Osborne is said to have been unknown professionally until he appeared in a judge's robes,¹ but he had an advantage over some of his colleagues in having learned discretion in parliament, of which he had been long a member, and in belonging to the well-known Waterford family of which Bernal Osborne was a member.

Little more than a year after Chamberlain's death, in the summer of 1803, the chief seat in the King's Bench became vacant through the murder of Lord Kilwarden by Emmet's followers. No other judge is known to have fallen by an assassin's hand in Ireland, and his fate may well be considered the greatest tragedy in the history of the judicial bench. He is said to have lived in constant terror of violence, and met his death when coming for safety from his country to his town house.² If he had remained in the former, or taken a retired route when approaching the latter, his life would have been in no danger. Even at the last it might have been saved if his postillion had turned the carriage into a courtyard, but he was driven through the street where the main body of the insurgents was assembled, the one place of peril for him.³ There, in the gloom of a summer's night, he was dragged from his carriage, and with awful brutality stabbed with pikes. While yet alive, he was carried by soldiers, who soon arrived, to a watch-house, and before he died spoke three times to one of the officials. First faintly, and with difficulty, he pronounced the name of the official, "Swan," then, on learning that his daughter, by whom he was accompanied, had escaped, he said, "I thank God"; and finally, a moment before he died, he stopped an order for the execution of some of the culprits by stretching

¹ *The Twelve*, p. 25.

² *Annual Register*, 1803, p. 310.

³ *Spencer Walpole's Life of Perceval*, i. 112.

out his hand and interjecting, "Oh no, Swan! let the poor wretches have a fair trial."¹

There was no option in the selection of Kilwarden's successor. As a judge, lawyer, and citizen, Downes, who was then the senior puisne, was by universal admission the fit man, and although it was thought that being rich and unmarried he might decline increase of responsibility, he did not despise promotion,² or presumably a baronetcy for which, although unsuccessfully, he was also recommended.³ To fill the vacancy among the King's Bench puisnes, Daly was transferred from the exacting Exchequer, and the sixth of the Union favourites, James McClelland, was brought into the latter court. He was even younger than Smith, whom he had succeeded as solicitor-general, and was considered by Clare as quite too immature for legal office. By family he was connected with the trade of Ulster, and he had been brought, by the influence of an Ulster friend, a few years before the Union, into the house of commons. There as a speaker he was more frequent than polished, but he showed himself, in the words of Clare, a young man of very promising talents.⁴

The trials of the participants in Emmet's rebellion took place immediately after the outbreak, the majority in Dublin under a special commission directed to Norbury, Finucane, George, and Daly, and the remainder in Carrickfergus and Downpatrick under a special commission directed to George and Osborne.⁵ In both cases the leading counsel for the crown were Standish O'Grady, the future Lord Guillamore, who was then attorney-general, and McClelland, who was then still

¹ Brit. Mus. Add. MSS., 33119, f. 311.

² *Ibid.*, 35772, f. 222.

³ *Ibid.*, 35669, f. 102.

⁴ Brit. Mus. Add. MSS., 35731, ff. 5, 47; 35771, ff. 74, 78, 120; 35772, f. 108; *The Metropolis*, i. 60; *Life of Plunket*, i. 161.

⁵ *State Trials*, xxviii, *passim*; *Newspaper Cuttings relating to Ireland*, Brit. Mus., 1800, Oct. 20; *The Viceroy's Post Bag*, p. 435.

solicitor-general. They received high encomiums from the Irish government for their services,¹ but in the trial of Emmet, the duty of closing for the crown was entrusted to the great Plunket, whose assistance in the trials resulted in his becoming McClelland's successor as a law-officer and had possibly some part in McClelland's being given promotion.

The selection of a whig as solicitor-general showed that there was no wish on the part of Addington's administration to accentuate political difference in Ireland, but about that time Irish politicians, who had been erstwhile court and country, and lately unionist and anti-unionist, became violently whig and tory. Of course, the division was chiefly due to the catholic claims, but it was increased by dissatisfaction with the Irish executive against whom charges of laxity in connexion with the rising under Emmet were made. For neglect of precaution prior to the outbreak, and for failure to cope more quickly with the outbreak, blame was variously apportioned. Recrimination ensued, and owing to the imminent danger of invasion by the French, excitement became intense.

Even on the judicial bench the atmosphere became heated, and the ferment affected more than one of the judges. While on the north-west circuit, Fox lost his head completely. Whether his conduct originated, as he asserted, in a desire to rouse the country to a sense of its responsibilities, or, as the tories held, in a wish to help the whigs, it cannot be doubted that he allowed his temper to get the upper hand. At Longford he was understood to recommend the grand jury to petition the crown to remove the Irish executive, and at Enniskillen to urge the commander of yeomanry to induce his corps to take a similar course. In the three towns in which he presided in the crown court, he levied fines to an amount exceeding fourteen hundred pounds on

¹ The Viceroy's Post Bag, p. 424.

persons in authority, including the Earl of Enniskillen, and in the last of the three towns, Lifford, he had a grand juror placed in the dock and censured the Marquess of Abercorn for dereliction of duty. The marquess was the last man whom one could attack with impunity, and he had behind him the Irish executive, who let it be known that Fox had begun his judicial career by demanding compensation for delay in the issue of his patent, had sought leave after eighteen months' service to retire on full pension, and had spent many months in England during term without asking permission.¹ Through the marquess and friends of the Irish executive, parliament had its attention soon drawn to the existence of the great statesman's Irish namesake, and for three sessions the house of lords was kept busy discussing Fox's conduct and hearing evidence in regard to it.²

Fox had not long returned from his eventful circuit, in the autumn of 1803, when an attack was made on the Irish executive in a series of letters published in Cobbett's *Political Register*³ under the name of Juverna. The attack was directed particularly against three persons engaged in the administration of the law, Redesdale, Osborne, and Plunket. With them the writer was evidently, from the knowledge and venom displayed in the letters, closely associated, and he was at first believed to be Fox. To Chief Justice Downes, Fox pledged, however, his honour, truth, and credit that he knew nothing of the letters until they appeared in print, and the writer was subsequently found to be Johnson, his colleague in the Common Pleas. As Juverna, Johnson tried to make terms with the Irish

¹ The allegations and disavowals are detailed in innumerable letters and memoranda preserved amongst the Hardwicke Papers in the British Museum.

² *Lords' Journals, Eng.*, 1805, June 10 et passim; *Parliamentary Debates, Eng.*, 1804-6; *Gentleman's Mag.*, lxxiv-v passim; *The Farington Diary*, ii. 255; *Sir Walter Scott's Familiar Letters*, i. 55.

³ iv. 545, 586, 609, 801.

executive, but they decided to treat the author of the letters, which were in the highest degree libellous, as an unreclaimable enemy, and obtained a few months later proof that he was Johnson, from Cobbett, who was convicted of publishing the letters.

In spite of his station, Johnson evinced the utmost reluctance to submit himself to any tribunal, and in the opening week of 1805, he was arrested at his house near Dublin, under a warrant from the chief justice of England to take his trial in the English King's Bench. As Downes said, it was as criminal for a judge to oppose the process of the law as to write a libel, but Johnson offered the most strenuous resistance to the warrant, and moved the three Irish courts to discharge him from custody. In each court the motion was refused, all the judges, excepting Day, William Smith, and Fox, being against him. He applied then for leave to retire on the ground of ill-health with full pension, but the Irish executive would only accept unconditional resignation. As the procedure under which the warrant was issued originated in legislation that was still under revision, Johnson found ground in the summer to carry his opposition to the English King's Bench and the house of lords, but finally, in Michaelmas term, he was brought to trial in the English King's Bench and found guilty of libel.¹

At the beginning of the year 1805, the first part of a poem describing Dublin and its inhabitants, entitled "The Metropolis,"² made its appearance. It was written by a barrister who sings of law and lawyers *con amore*.³ He enters the court of Chancery and pictures Redesdale, who sought to establish English

¹ As in the case of Fox the Hardwicke Papers furnish information as to every detail in the proceedings against Johnson. See also State Trials, xxix passim, and Spencer Walpole's Life of Perceval, i. 118.

² *Dubl.*, 1st ed. 1805, 2nd ed. 1806.

³ William Norcott (see *Diet. Nat. Biog.*, xli. 104).

hours, as well as to impart knowledge, awaiting an audience in the morning and detaining one in the evening after other courts had risen. He stands in the Hall while his brethren joke and gossip at noon. He passes from the hall, attracted by an uproar that makes its dome resound, into the Common Pleas, where judges, barristers, and officials join in creating clamour, and attorneys "buzz, whisper, laugh, and chatter." After referring to the absence of Fox who "braves the vengeance of the English peers," and of Johnson whom "British juries wisely fear," the poet commends Finucane for his honesty and sense, and describes Norbury as the friend of all, trumpeting the grand jurors' virtues, the lord mayor's perfection, his colleague's accuracy, and the crier's services to the nation, and discussing parenthetically a horse's points with a sporting friend. Then Bushe and others, who practised in the court, are introduced, and the curtain is dropped as the judges take wing on the stroke of two o'clock. Lastly, the Exchequer is reviewed, first the learned bar with Curran at its head, and then the bench: McClelland, whom the poet views with no unfriendly eye, Smith, of whose talents "clouds, storms, and sunshine take alternate sway," George, who never "soiled his snowy ermine with a stain," and Avonmore, now out of favour, but in the poet's childhood his country's pride.

Before the year 1805 had closed Avonmore's seat had passed, through his death, to Standish O'Grady who had been for two years attorney-general. Both his appointment as a law-officer and his promotion to the bench he owed to Redesdale, who, on his arrival, was attracted by him.¹ He practised chiefly in the court of chancery, and is said to have modelled himself on Clare.² As a Limerick man, he enjoyed Clare's favour, and possibly on Clare's advice had eschewed politics

¹ Brit. Mus. Add. MSS., 35717, f. 72; 35718, f. 55.

² The Twelve, p. 13.

and devoted himself to his profession. Although he had ample means and good social position, he was remarkable at the bar for industry, and was distinguished for knowledge of procedure, no less than for advocacy.¹

Early in the year 1806, the second part of "The Metropolis"² appeared. It opens with an eulogium of Downes, "the acknowledged father of the laws," who is thought, however, to be less patriotic than when Chamberlain, his bosom friend, was at his side. After Downes, the other judges in the King's Bench are weighed in the poetic balance. Day stands the test: a tendency to prolixity is no counterpoise to his patriotism, serenity, and courtesy. Daly is found wanting: a single good quality cannot be discovered to lighten his transgressions and shortcomings. Osborne seems to keep the scales even, yet amiability and prudence are no offset to his political sin in supporting the Union.³ Afterwards, the poet interpolates in a survey of the leaders of the bar, a further reference to Redesdale making "unpractised inexperience wise," and uses "the unsuspecting honesty" of a footnote to express his sense of Ireland's obligations to him. Finally, the poet glances at Sir Michael Smith, as master of the rolls, looking in vain amongst the practitioners in his court for talents like his own, and compares the new chief baron with his predecessor, whose excellence O'Grady is held to be not unfitted to supply.

Soon after the lines on Redesdale had been written, the formation of the ministry of All the Talents brought his four years' tenure of the Irish chancellorship to its close. He could not but feel regret and chagrin in leaving a country which he had endeavoured loyally

¹ The Metropolis, ii. 39.

² *Dubl.*, 1st, 2nd, and 3rd eds., 1806.

³ Although he writes as an anti-unionist, Norcott signed the protest against the resolution of the bar opposing the Union. *Memoirs of Grattan*, v. 16.

to adopt as his own. While in it he had paid only three short visits to England, two of these being to procure a wife to fit him for his new conditions, and he had spent the vacations in supervising the erection of a great country house that he built near Dublin, and in visiting Killarney, the Giant's Causeway, and other parts of the country.¹ But he confessed that compensation for the loss of office was to be found in the prospect of enjoying once more the society, the comforts, the manners, and the mentality of England, and of being a richer man with a pension than with a salary.²

That Redesdale did not exaggerate the expense of office is probable. While holding the chancellorship, Clare spent the entire of his great private income as well as his official one, and left his wife, who had brought him a large fortune, with so small a jointure that a pension was given her by the crown.³ Indeed, an extravagant mode of living seems to have pervaded the bench. Although they had insisted on being advanced to viscounties in return for their support of the Union, Kilwarden and Avonmore were not then in a position to support any title, the former being able to make no provision for his successor and the latter being actually insolvent, and the puisne judges seem to have been equally impecunious, Chamberlain leaving little beyond a small property that he had inherited.

Redesdale was succeeded as chancellor by George Ponsonby, who held the great seal for only a year, but who is remarkable in having afterwards become leader of the whigs in the imperial house of commons. He was born in the patrician ranks of the party as a grandson paternally of the first Earl of Bessborough, and maternally of the third Duke of Devonshire, and was a son of one of the Irish speakers. With only two short

¹ Brit. Mus. Add. MSS., 35717-18 *passim*.

² *Ibid.*, 35645, f. 232.

³ *Ibid.*, 33109, f. 245.

breaks caused by the Union, and his acceptance of the chancellorship, Ponsonby was a member of parliament all his life, first in Ireland and afterwards in England. In the Irish parliament he carried weight from the beginning on the popular side in debate and counsel, and occupied for years a position only second to that of Grattan, but in the imperial parliament his career was not so glorious and ended tragically in his death from apoplexy, which came upon him in the house of commons. With political life he combined, until his elevation to the bench, a very large practice at the Irish bar. When only two years called to it, his attainments justified his appointment as counsel to the revenue, and his legal abilities were recognized by his opponents, Clare and Redesdale, the former, on becoming chancellor, transferring his briefs to him, and the latter, on resigning the great seal, expressing his pleasure that he was to be his successor.¹ Notwithstanding his political and professional avocations, Ponsonby found time also to distinguish himself in the hunting-field and was thus pictured while at the bar :

Blunt in his manners, homely in his speech,
 Plain, downright reasoning any man might reach ;
 Rude health, bluff strength, his limbs in constant motion,
 A squire his trade, a fox-chase his devotion.²

In Ireland Ponsonby was closely allied to the famous John Philpot Curran, and after the regency debates, when Ponsonby was deprived of his place as counsel to the revenue, they entered into a compact that they would not afterwards accept office except together. Owing to the failings which detracted from Curran's great gifts, that compact was an unfortunate one for Ponsonby. It cannot be doubted that during Fitzwilliam's short viceroyalty in 1795 an attempt to

¹ Brit. Mus. Add. MSS., 35718, f. 210.

² The Metropolis, ii. 42.

appoint Ponsonby and Curran as the law-officers was partly frustrated by allegations that were made against Curran in an action which he had instituted to recover damages for his wife's infidelity. The action came to trial at the moment that the appointments were in the balance, and in a court presided over by Yelverton, who was his greatest friend, and Michael Smith, who was a lesser one, he was awarded only the nominal damages of fifty pounds and sixpence costs.¹ When appointed chancellor, Ponsonby was confronted again by the compact, under which Curran held that the office of attorney-general, with the expectancy of a chief-justiceship, was his due. Owing to the vehemence with which Curran had thrown himself into the defence of the United Irishmen, the difficulty was no less than it had been ten years before, but finally the matter was compromised by obtaining the retirement of Sir Michael Smith, and appointing Curran to the mastership of the rolls, which occupied still a rather anomalous position amongst judicial offices.

As well as in the equity courts, changes took place in the year 1806 in the Common Pleas. At the beginning of the year the removal of Fox and Johnson was impending, primarily because in the opinion of Tories Fox had failed to disprove the charges made against him in the house of lords, and Johnson would have to be imprisoned as a result of the verdict in the English King's Bench, and secondarily because Redesdale was anxious to find seats on the bench for two of his favourites, Edward Mayne, a stuff gownsman whose claims had been urged by Clare and Kilwarden as well as by him,² and Arthur Moore, who had been appointed on his recommendation first serjeant a few years before,

¹ Newspaper Cuttings relating to Ireland in British Museum, 1795, Feb. 14.

² Brit. Mus. Add. MSS., 35730, f. 382; 35772, ff. 10, 222; 35718, ff. 43, 187, 189.

when the prime serjeantship was abolished. Owing to the resignation of Finucane from ill-health, a seat was, however, found otherwise for Mayne, and the fate of Fox and Johnson was still undetermined when All the Talents entered upon office. From that ministry the pilloried judges, as ardent whigs, received generous treatment. At the instance of Grenville, Fox escaped further inquiry into his conduct and was left to discharge his duties with such dignity as he could muster, and Johnson was allowed to resign and was given a pension of reduced amount. To fill the vacancy caused by Johnson's resignation, a king's counsel, William Fletcher, was brought into the Common Pleas. He was a great contrast to Mayne, to whom he was senior at the bar, and still more senior in age, having qualified as a physician before he was called. Mayne was of "the sapient, soft, and melancholy strain,"¹ and had taken no part in politics, while Fletcher was vehement and loud, terrifying everyone by his growl,² and had been an ardent and lifelong follower of Grattan beside whom he had sat for a few years in the Irish parliament.

The resignation of All the Talents and the formation of the Duke of Portland's administration in the spring of 1807 resulted in the Irish chancellorship passing from a grandson of a whig duke to the grandson of a tory one, in the person of Thomas Manners-Sutton, who was created Lord Manners and held the Irish great seal for twenty years. He and his brother, who was simultaneously archbishop of Canterbury, were certainly heirs of fortune, for although they were men of academic distinction, they were not specially distinguished in their particular spheres. At the time that he was appointed Ponsonby's successor, Lord Manners was a baron of the English Exchequer, but he had only been so for two years, and had held previously during the

¹ The Metropolis, ii. 48.

² Ibid., p. 44.

twenty-four years that he had been at the bar a variety of offices, ranging from those of a commissioner of bankruptcy and a Welsh judge to that of solicitor-general.

At the close of the year 1807 there were not less than ten judicial persons on pension—two ex-chancellors, Redesdale and Ponsonby; an ex-master of the rolls, Sir Michael Smith; an ex-chief justice of the Common Pleas, Carleton; an ex-justice of the King's Bench, Boyd; four ex-justices of the Common Pleas, Kelly, Crookshank, Finucane, and Johnson, and an ex-baron of the Exchequer, Metge. Several of them lived for many years. Of the ex-chancellors, Ponsonby lived for only ten years more, dying when he was sixty-two, but Redesdale lived for over twenty years more, until he was eighty-one, fulfilling the duties of a legal member of the house of lords and of a landowner in Gloucestershire, where he succeeded soon after leaving Ireland, by a curious coincidence, to the estate of one of his predecessors in the Irish chancellorship.¹ Similarly, Smith, who went to reside at his King's county seat, lived for only a year, but Carleton, who resided in London or its vicinity, lived for twenty years more. Of the puisnes, Johnson lived the longest, for twenty-five years more, until he was nearly a nonagenarian, residing in the Queen's county and making himself remarkable by his animosity to England and by his belief in pikes and arrows as means to secure Irish independence.² Boyd and Finucane, who resided respectively in Dublin and county Clare, lived for seven years more, and Crookshank, who lived near Dublin, for six years more, but Kelly and Metge, who resided respectively in the Queen's county and at Bath, lived only for two years more.

¹ *Supra*, p. 29.

² *Memoirs of Thomas Moore*, vi. 129, 142-4; *Recollections of Lord Cloncurry*, p. 302; *Lady Morgan's Memoirs*, ii. 298.

The judicial conduct of the members of the bench was, in the next year, severely reviewed in "The Twelve,"¹ a poem that daunts the reader by its involved and affected style. Of the three chiefs, Downes alone receives praise and even he does not escape blame for a tendency to austerity, favouritism, and anticipation; Norbury is quite outside the pale, as no more than a serio-comic actor; and O'Grady, who appears to inherit Clare's faults, is regarded as a mere tiro. Turning to the puisnes, in the King's Bench the poet sees no flaw in Day, but Osborne and Daly are fit only to look profound and talk of the weather; in the Common Pleas, Mayne gives way to none in legal learning, but Fox has never been led by wisdom, and Fletcher's powers have waned with age; and in the Exchequer George has no rival in humanity and is above criticism, but Smith has never done credit to his talents, and McClelland allows his knowledge to be hid by pride. Finally the poet seeks relief from a survey that has given more pain than joy by employing his lays to tell of the chancellors of his day—Clare, great as a man and as a judge, if calmness had been his; Redesdale, illustrious in ceaseless labour, gentleness, and courtesy; Ponsonby, supreme in solid reasoning, political acumen, and energetic power; and Manners, in whose breast the poet professes to see every judicial virtue.

After the appointment of Manners, no change took place for seven years on the bench, which remained thus constituted :

Chancellor	Thomas Manners-Sutton, Lord Manners, P.C.
Master of the Rolls	John Philpot Curran, P.C.
Chief Justice of the King's Bench	William Downes, P.C.

¹ *Dubl.*, 1808.

Justices of the King's Bench	Robert Day. St. George Daly, P.C. Charles Osborne.
Chief Justice of the Common Pleas	John Toler, Lord Norbury, P.C.
Justices of the Common Pleas	Luke Fox. Edward Mayne. William Fletcher.
Chief Baron of the Exchequer	Standish O'Grady, P.C.
Barons of the Exchequer	Denis George. Sir William Cusac Smith, baronet. James McClelland.

At the close of that exceptionally long period of quiescence, early in 1814, Curran resigned in consequence of the beginning of the illness from which he died a few years later. His successor, William McMahan, was a brother of the prince regent's private secretary, and is probably the only Irish judicial person in modern times who owed his seat on the bench directly to the sovereign power. This favourite of a royal favourite was not thirty-eight years of age when he became master of the rolls, with rank next to the chief justice of the King's Bench, and before he had held the office for a year, a letter was issued to him for a baronetcy,¹ and steps were taken to increase his salary to an amount little less than that of the chief justice of the King's Bench.² But his good fortune does not seem to have excited the criticism that might have been expected. None of those interested cared probably to question what the prince thought fit to do, and McMahan's integrity and urbanity, not to speak of large and increasing riches, tended to overcome an unpopularity from which he had suffered in early years.³ Besides, as

¹ Gentleman's Mag., 1814, ii. 672.

² Liber Munerum, vi. 197.

³ The Croker Papers, i. 203.

he had shown in college, he had good capacity, and with the help of a serjeantship which he owed to the same influence and held for eight years, he had been brought at the bar into considerable practice.

Within the next few years, three men far senior to McMahan were raised to the bench as puisne judges, namely Arthur Moore, William Johnson, and Richard Jebb. Moore and Johnson were appointed respectively in 1816 and 1817 to the Common Pleas, and Jebb in 1818 to the King's Bench. The vacancy which Moore filled was caused by the retirement, after fifteen years' service, of Fox, who died suddenly at Harrogate three years later. The vacancy which Johnson filled was caused by the death of Osborne, who was carried off by the Irish scourge, typhus fever,¹ and the transfer of Mayne from the Common Pleas to the King's Bench in his place; and the vacancy which Jebb filled was caused by the retirement, after twenty years' service, of Day, who survived as an ex-judge for even a longer period.

The new judges had been all called to the bar in the eighties of the previous century, and had been protagonists in the Union struggle, Moore as a member of the parliamentary opposition, Johnson as a writer and parliamentary representative for the government, and Jebb as a writer for the opposition. As in McMahan's case, each of them held the rank of serjeant when promoted to the bench, and in their selection politics had no part, Moore and Jebb being nominally whigs, and Johnson having lost all prospect of reward for his Union services through the misconduct of the retired judge of his name, who was his brother.² In public estimation Moore, who belonged to a well-known Queen's county family, stood much the highest of the three, and, as has been mentioned, ten years before,

¹ Trotter's *Walks through Ireland*, p. 372.

² *Brit. Mus. Add. MSS.*, 35760, f. 53, 35799, f. 24, 35761, f. 231.

Redesdale had designed to raise him to the bench; but Johnson, although unpopular from a rough and overbearing demeanour, was the more able lawyer,¹ and Jebb, who was undervalued from his retiring disposition, a characteristic of the talented family to which he belonged, was the more accomplished man.²

¹ *The Metropolis*, i. 52.

² *Ibid.*, ii. 49; *Maddyn's Ireland and its Rulers*, ii. 59.

CHAPTER II

THE UNION EFFECTIVE

SOVEREIGNS—GEORGE IV AND WILLIAM IV. YEARS—
1820 TO 1837

AT the time of the accession of George the Fourth, ample justification was to be found for a hope that legal eminence would for the future be the sole guide to the exercise of judicial patronage in Ireland. That consideration had governed the last three judicial appointments in the reign of George the Third, and in even a greater degree two which within a year of his accession George the Fourth was called upon to make, when Day's example in retiring was followed on the ground of ill-health by Mayne, who had served fourteen years, and a few months later by George, who had served nearly twenty-seven years.

To fill these two vacancies there were raised to the bench, Charles Burton and Richard Pennefather, who adorned respectively the King's Bench and the Exchequer for a generation. Although they had about the same standing at the bar, Burton was much older than Pennefather and occupied an exceptional position amongst the puisne judges of that century in being an Englishman by birth. He was not called to the bar until he came to Ireland, but he had been admitted previously to both the Inner Temple and Lincoln's Inn, and had practised as an attorney of the King's Bench. He came to Ireland under the wing of Curran for whom he devilled, and was indebted to Ponsonby's friendship for a silk gown, but a few years before his elevation to

the bench, he became famous as counsel for Chief Baron O'Grady in a conflict between the crown and O'Grady as to a right of patronage. The habits of industry, which Burton had acquired in England, were not lost in Ireland. It has been said of him that he was the most learned lawyer the Irish bar has produced,¹ and with his legal learning he combined a wide acquaintance with classical and general literature. From Burton, Pennefather differed in owing much to the advantage of being a member of a well-known Irish family, and in having ascended the bench with no more particular sign of merit than the possession of a silk gown. But no mistake was made in his selection as a judge. He was one of two brothers whose names are imperishably connected with the Irish bench and recall "most of what is distinguished in professional and all that is admirable in private life."²

The period was indeed a memorable one in the history of the Irish bench, for a year after Pennefather's appointment, early in 1822, Charles Kendal Bushe took his seat as chief justice of the King's Bench. Unrivalled in grace of diction and manner, he led captive men of all parties. Peel held that he was one of the most distinguished sons of Ireland,³ and Brougham believed that his power of narration was perhaps never equalled.⁴ His prominence as an opponent of the Union had not been the slightest bar to his appointment as a law-officer, and his service as solicitor-general, which extended over sixteen years, was begun under a tory, continued under a whig, and resumed under a tory administration. No less striking is the fact that faith in him as an emancipationist was not shaken by

¹ Lord Rathmore : *Life of Plunket*, i. 238 ; cf. Whiteside's *Early Sketches*, p. 238.

² Maddyn's *Ireland and its Rulers*, ii. 258.

³ Peel from his private Papers, iii. 426.

⁴ Brougham's *Historical Sketches*, 3 S. p. 223.

his joining in a prosecution of the catholic leaders for illegal assembly. He became a judge at the age of fifty-five, when his fame was greatest, and although he did not add to his reputation while on the bench, he did not cease to shed lustre on the whole legal system of Ireland.

Downes, by whose retirement the chief seat in the King's Bench became vacant, had attained to more than threescore years and ten in age, and nearly thirty in judicial service. While he was chief justice his pre-eminence as a jurist had been fully maintained,¹ and his creation as a peer nine months after he left the bench was a fitting tribute to the part which he had played in keeping the light of impartiality and learning aglow, while the character of the bench was at stake. He was accompanied into retirement, which he enjoyed for only four years, by the last of his old puisnes, Daly. The latter, who survived his resignation for eight years, had become much identified with the evangelical school of thought in the church, and was munificent in his support of religious organizations.²

The seat in the King's Bench vacated by Daly's retirement fell to Thomas Burton Vandeleur, who had been given a silk gown six years before at the same time as Pennefather. He was also twin with Pennefather in belonging to a family held in high regard in Ireland, but although senior to him at the bar, he had not so large a practice, and although a short tenure of judicial office won him high tributes,³ he had not the

¹ In his judgement in Johnson's case (*State Trials*, xxix. 307), Smith paid an impressive tribute to Downes : see also *The Metropolis*, ii. 10, *Dublin run Mad*, p. 29, and the *Hibernian Mag.*, 1810, p. 3. Downes is criticized in *The Twelve* (p. 8) for a tendency to rigour, and is said (*Curran and his Contemporaries*, pp. 55, 411) to have been held in contempt by Curran, who ridiculed him because he was unwieldy in build and called him the human quagmire ; but in both cases his justice and mastery of law are admitted.

² *Memoir of Lefroy*, p. 9.

³ *The Times*, 1835 June 18.

same perspicacity. A year later the death of Fletcher, who had nine years before made himself notorious by a fiery political charge, vacated a seat in the Common Pleas.¹ It was filled by the appointment of Robert Torrens, whose younger brother, Sir Henry Torrens, held then high rank in the army and was conspicuous at the Horse Guards as a leading military authority. To his brother's influence, the judge's elevation to the bench was attributed,² but it was chiefly due to the capacity that he had displayed as chairman of quarter sessions in county Dublin and as a special commissioner under the Insurrection Act in county Limerick. The latter office had been entrusted to him a year before his elevation to the bench, when he was made a serjeant, and his discharge of the duties had been so judicious, humane, and persevering as to elicit from Wellesley, who was then lord lieutenant, an expression of personal gratitude.³

The outbreak of crime, which has been mentioned in connexion with Torrens, was not the only one that Ireland experienced in the first quarter of the nineteenth century. The west of Ireland had been overrun in 1806 by the Threshers, who sought the extinction of tithe proctors in the established church and the limitation of dues in the Roman Catholic church, and crime rose to such a height that it was necessary to clear the gaols by a special commission which employed the talents, as judges, of Downes and George, and as prosecutors, of Plunket, Bushe, and Moore, who were

¹ The Bristol Edition. The Charge of the Hon. William Fletcher, fourth justice of the Common Pleas in Ireland, to the Grand Jury of the County of Wexford at the Summer Assizes in 1814 as reported by Mr. Counsellor Hatchell. Interesting to all well-meaning People of the United Kingdom, particularly those who are in any way connected with Ireland. Also A Brief Memoir of Judge Fletcher. How heavenly sweet sound the words of concord from the "noblest work of God!" Cf. Peel from his private Papers, i. 152, 154, 157.

² Sheil's Sketches, i. 109.

³ Pearce's Memoirs of Wellesley, iii. 350.

then respectively attorney-general, solicitor-general, and first serjeant.¹ This outbreak was followed in 1808 by one for which whiteboys were responsible, and which was of smaller extent, affecting only county Kerry and an adjacent part of county Limerick.² Afterwards the counties of Tipperary, Waterford, and Kilkenny became disturbed, and in 1811 they had become so dominated by rival bands known as the caravats and shanavests, that a special commission was issued to Norbury and O'Grady to clear the gaols, the prosecutions being conducted by Bushe and Moore.³

After some years these rival bands, having thrown aside their "trifling feuds," united in cutting down tithe proctors, and were joined by the lawless in county Limerick with the result that a special commission had to issue, in the winter of 1815, for the trial at Limerick and Clonmel of many persons charged with murders, raids for arms, burglaries, and robberies.⁴ Finally, the agitation against the payment of tithe gave rise at the close of 1821 to the outbreak of crime with which Torrens was concerned. It extended over the greater part of the south of Ireland, and was far the most serious insurrectionary movement since the close of the eighteenth century. Early in 1822 no less than thirty-five persons were sentenced to death by McClelland, sitting under a special commission at Cork,⁵ and two months later at Limerick seven more received sentence of death together.⁶ Even in the annals of Irish crime, the atrocities committed at the beginning of the nineteenth century are unsurpassed for brutality. In the spring of 1812 county Waterford was the scene of a holocaust of eight persons, in the autumn of 1816 county Louth of another of eight persons, and in the autumn of 1821 county Tipperary of another of eighteen

¹ State Trials, xxx passim.

² Ibid., xxxi. 423.

³ State Trials, xxxi passim.

⁴ Annual Register, 1815 passim.

⁵ Ibid., 1822 p. 29.

⁶ Memoir of Lefroy, p. 79.

persons, the cause being that in each case one or two of the victims had given evidence in a court of justice, or taken land of which another had been dispossessed.¹

The decline of tory supremacy in the third decade of the nineteenth century is recalled in Irish legal history by the series of sketches in which Richard Lalor Shiel and William Henry Curran delineated the celebrities of the Dublin courts, and one of the worthies of the bench who engaged specially their facile pens was the chancellor, Manners. His stern toryism and weak equity afforded good material for two young lawyers of a very different school, but neither of them denied him the possession of the attributes of his race. Shiel describes him as a phantom of Charles the Second, both from his Stuart cast of face and fine urbanity of manner,² and Curran speaks of him as a perfect gentleman and active and steadfast friend.³ But other Irish patriotic writers picture Manners as an ignorant religious and political bigot,⁴ and ignore the fact that he made a host of friends in Ireland, where he was popular as a sportsman and welcomed at shooting parties, which he joined in a chancellor's three-cornered hat and the garb of a past time, a green jacket, a scarlet waistcoat, silk breeches, and black gaiters.⁵ With the retirement of Liverpool, Manners's age came to an end, and the advent of Canning, of whom he had always been suspicious, hastened his retirement.

When Canning formed his ministry early in 1827, the judicial bench of Ireland was as the preceding pages have shown, thus constituted :

¹ Annual Register, 1812 p. 59; 1816 p. 175; 1821 p. 172; cf. Peel from his private Papers, i. 231, and Shiel's Sketches, i. 253.

² Sheil's Sketches, i. 201.

³ Curran's Sketches, ii. 9.

⁴ Memoirs of Grattan, v. 317, 358.

⁵ Sheil's Sketches, i. 283; cf. Torrens's Memoirs of Melbourne, i. 276.

Chancellor	Thomas Manners-Sutton, Lord Manners, P.C.
Master of the Rolls	Sir William McMahon, baronet, P.C.
Chief Justice of the King's Bench	Charles Kendal Bushe, P.C.
Justices of the King's Bench	Richard Jebb. Charles Burton. Thomas Burton Vandeleur.
Chief Justice of the Common Pleas	John Toler, Lord Nor- bury, P.C.
Justices of the Common Pleas	Arthur Moore. William Johnson. Robert Torrens.
Chief Baron of the Exchequer	Standish O'Grady, P.C.
Barons of the Exchequer	Sir William Cusac Smith, baronet. James McClelland. Richard Pennefather.

Although of these fourteen men, six had sat in the Irish parliament, namely Bushe, Norbury, Moore, Johnson, Smith, and McClelland, and three owed their elevation to the bench to Irish politics, namely Norbury, Smith, and McClelland, only two had sat in the imperial parliament, namely Manners, who had been in it for nearly nine years, and Moore, who had been in it for two sessions after the Union, and only one owed his elevation to the Irish bench to imperial politics, namely Manners. But with the formation of Canning's ministry appointments to the Irish bench began to be the reward of imperial political service and continued to be so until the present mode of government in Ireland was established. The precedent for subordinating judicial to political expediency set by Canning arose from the difficulty in which he was placed in forming his ministry with regard to the illustrious William Conyngham Plunket. To Canning whig support was vital, and one of his first cares was to do Plunket

honour and to place him in a situation that would enable him to assist the government. The ideal solution was a British peerage with either the chancellorship of Ireland, which Manners wished to resign, or the mastership of the rolls in England, which was actually vacant, but the king was inexorable in refusing to allow the Irish great seal to be held by the champion of the catholics, and Plunket had not nerve to face the professional hostility that his promotion to the English bench would have aroused. Although as a result he became a peer without office, Plunket was not long left in that condition, for within two months he was enscenced in Norbury's seat in the Common Pleas. It is impossible to characterize this transaction otherwise than as a job. The octogenarian Norbury was not induced to retire without being advanced in the Irish peerage two steps, which his judicial services had certainly not warranted, and Plunket was placed in a situation that he was ill fitted as an equity lawyer to fill and which a man of his calibre could have been only brought to accept on account of the financial security that it afforded.

Without being in any way parsimonious Plunket showed throughout his life appreciation of the value of money. While at the bar he allowed nothing to interfere with his practice. At the time that he ascended the bench he had been for fifteen years continuously in parliament as representative of the university of Dublin and for the last five of those years he had held the Irish attorney-generalship, but his average attendance during each session had been, without office under two, and with office under three months, and so far as possible this attendance was given during the legal vacations. Undoubtedly the great speeches that he made on Catholic emancipation enhanced his reputation at the Irish bar, and his professional supremacy seems to date from the first which was made by him while

holding the office of attorney-general under All the Talents and sitting for Midhurst. Until then there had been nothing phenomenal in his rise professionally. Thirteen years after he was called, at the time of the Union debates, he was accredited with no more than a considerable share of reputation and business, and although valued as an acute reasoner, he was not deemed an eloquent speaker.¹ His first speech in the Union debates came as a surprise, and the impression that he made was considered by one of the observers as remarkable on account of his "very bad voice."² Even seven years later, after he had become attorney-general for the first time, he was criticized by his legal brethren for indulging his wit at the expense of his clients' causes,³ but the result of his few weeks at Westminster as member for Midhurst seems to have silenced every detractor, and on his retiring from the attorney-generalship a patent of pre-audience was given to him.

As soon as Plunket was established in the Common Pleas Canning applied himself to the task of finding someone without either religion or politics to succeed Manners as chancellor. The conditions seemed to be best filled by the English chief baron, William Alexander, a Scotchman by birth, who had spent some years in the tranquillizing employment of a master in chancery, and although he had reached the age of threescore and ten, an offer of the Irish great seal was made to him immediately before Canning's death. The offer, which was not affected by that event, was not, however, accompanied by one of a peerage, and on that account was declined by Alexander. A kite was then sent up by Goderich to ascertain whether Judge Burton as "a man learned in the law and *praeterea nihil*" would be

¹ Sketches of Irish Political Characters, p. 227.

² Brit. Mus. Add. MSS., 33106, f. 182.

³ The Metropolis, ii. 21.

acceptable to Ireland, but it was quickly pulled down on its being treated by Plunket as an insult, and finally another English septuagenarian had an offer of the great seal, and was induced to accept it on being assured that “of papists and orangemen he was to know nothing.”¹

Sir Anthony Hart, who thus came to spend a few years as chancellor of Ireland, had been only six months on the English bench, where he held the office of vice-chancellor, and had passed the best part of his life arguing chancery suits before Eldon. Although his commencing a chancellorship at seventy-three was considered by Eldon a foolish business,² he gave the utmost satisfaction judicially, but in other respects he fills a niche to himself amongst the Irish chancellors. Not only was he singular in being by birth a colonial, a native of the small island of St. Kitts in the West Indies, and in having begun life as a preacher for the Unitarians,³ but also in the facility with which he lent himself to caricature as he stood or paced with his hands behind his tall and angular figure, and his spectacles fixed on the point of the long nose that projected from his rugged face.⁴

Shortly before the close of the tories' protracted reign, in the summer of 1830, a baron's seat fell vacant by the resignation of McClelland, who was in bad health and only survived his retirement for six months, and it was assigned to John Leslie Foster, an Irish barrister, who throughout his professional career had been almost as well known in the house of commons as in the law courts, and was valued more as a social economist than as a lawyer. He began life with academic dis-

¹ Torrens's *Memoirs of Melbourne*, i, *passim*; cf. *Melbourne's Papers*, p. 107.

² *Twiss's Life of Eldon*, iii. 16.

³ *Fitzpatrick's Life of Dr. Doyle*, ii. 35.

⁴ *The New Monthly Mag.*, xxxi. 142.

tion in science, and as grandson of Chief Baron Foster, son of a bishop, and nephew of the last Irish speaker, he did not lack friends, to whom he added by his marriage to a sister of Lord Fitzgerald and Vesey. No commission, whether on bogs or on streets, on education or on law, was complete without him, and for many years he was the king's advocate-general and one of the counsel to the revenue. In politics he was allied with Peel. He was strenuous in his opposition to catholic emancipation until Peel thought it inevitable, and then followed him in supporting its concession.

A few weeks after the reform party came into power under Earl Grey's leadership, at the close of the year 1830, it was announced that Hart was to be superseded in favour of Plunket as chancellor. It seems now to have been the natural step, and was necessary in order to gain Plunket's support in the house of lords, for except during the passage of the Catholic emancipation act he had never attended there while chief justice of the Common Pleas, but to many observers the motive of the change was not apparent. In his journal Greville notes ¹ that the ground alleged was one of confidence, but that it was only a pretext as Hart was favourable to the most liberal policy. In Greville's opinion the change was an unwise one. He says that with the bar Hart was popular, and that there were no appeals from his decisions, and although he was slow, no arrears in his court, but that on the other hand Plunket was unpopular and had been as a judge "rash, hasty, and imprudent."

It was also announced at the same time that the attorney-general, Henry Joy, was to become chief baron, and the solicitor-general, John Doherty, chief justice of the Common Pleas. No men could have been better fitted for the seats that they were respectively

¹ Greville Memoirs, ii. 92.

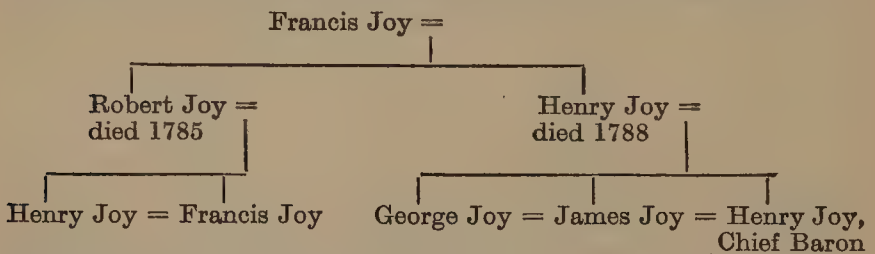
called to fill, but their promotion was in its origin entirely political, and arose from a desire to propitiate O'Connell, who bounded then the whigs' outlook in Ireland. But the result was not what was hoped, for what O'Connell had sought was the law-officers' ignominious dismissal and not their promotion.

Although he had served as a law-officer under viceroys of liberal opinions, Joy had been long identified with the anti-popular party. He was a native of Belfast, son of one of the owners of its well-known organ the *Belfast Newsletter*, and was a contemporary of Plunket, being in age not far short of seventy. Excepting at the time of the Union, which he opposed, there is no indication of his having taken any part in politics,¹ and his reputation rested solely on his ability as an equity lawyer.

But smiling Joy ne'er touch'd a tender string,
Nor boldly trusted Pegasean wing ;
And tho' he smiles, 'tis less with mirth than pleasure,
In the rich prospect of his mental treasure.²

His progress to the bench had been gradual and far from rapid. It was not until nearly twenty years after his call to the bar that he became a king's counsel,

¹ In the *Metropolitan Magazine* (xxii. 338), Joy is stated to have been in 1782 ardent in the cause of Irish independence, but he was then too young to have taken such a part as is indicated. The following diagram which is taken from a pedigree in the Office of Arms at Dublin, shows that he had a first cousin of the same name, who was probably older than himself, and with him he has been evidently confounded :



Information as to Henry son of Robert Joy will be found in *Benn's History of Belfast*, ii. 171.

² *The Metropolis*, ii. 31.

nor until seven years more that he was given the dignity of third serjeant from which he advanced during the next sixteen years through the stages of second and first serjeant, solicitor-general and attorney-general, to the chief baron's seat, from which O'Grady was induced to retire by his creation as Viscount Guillamore.

The circumstances of John Doherty were the antitheses of those of Joy. He was a native of Dublin, the son of a solicitor, and twenty years junior to him and Plunket. Although he enjoyed considerable favour as a *nisi prius* advocate, his reputation had been made in parliament and his progress to the bench had been singularly rapid. Within fifteen years of his call to the bar, he had become a king's counsel, and in four more he was given the office of solicitor-general, from which he was in three years promoted to succeed Plunket in the Common Pleas. To the house of commons, of which he was a member for nearly seven years, he came under the wing of Canning, who was his second cousin, and he won fame in it shortly before his appointment to the bench by the eloquence that he displayed in refuting O'Connell's charges of improper conduct on his part in the prosecution of the Doneraile conspirators.

During the last session of the reform parliament, in the early part of 1834, the judicial conduct of Sir William Smith gave rise to two debates in the house of commons. Since Fox and Johnson were arraigned, no Irish judge had laid himself so open to reproof, but he was not the only one whose name appears in Hansard. A petition against Fletcher for his censure of a magistrate, who had been instrumental in bringing two murderers to justice, had been ordered to lie on the table of the house.¹ Charges against Day for partiality in the trial of a duellist had been withdrawn, after a tribute had been paid by Peel to Day's integrity in the

¹ Hansard, 1816 June 13.

discharge of his duty as a judge and a Christian.¹ On three occasions McClelland had been the subject of a motion moved by a dissatisfied litigant, and had been successfully defended by Castlereagh and others, who testified to the great esteem in which he had come to be held.² O'Grady's right to alter the fees paid to him in his court had been for long a subject of discussion, which was not terminated without a division,³ and his conduct in adjourning criminal trials at Cork was made afterwards occasion for debate.⁴ Lastly the judicial incapacity of the aged Norbury had been brought before the house, and although the fact that he had remained too long on the bench was undeniable, the allegations evoked remarkable testimony to his popularity and sagacity.⁵ But none of these debates attracted so much attention as those on Smith, in which O'Connell was the accuser and the questions at issue the propriety of trying prisoners at night and of replying from the bench to speeches in parliament. As a result of the first debate an inquiry into Smith's conduct was ordered by a majority of ninety-three, and after the second debate that order was discharged by a majority of only six.⁶ After the manner of Ireland the persons who had suffered most from Smith's eccentricities went mad with joy at his victory. The grand juries, with only two exceptions, passed resolutions extolling him as a perfect judge, and other public bodies voted addresses, all of which were acknowledged and published by him with his replies in a bulky volume.⁷

¹ Hansard, 1818 Feb. 19.

² *Ibid.*, 1819 Feb. 15, April 29, June 2.

³ *Ibid.*, 1822-3 *passim*.

⁴ *Ibid.*, 1830 March 3, 18.

⁵ *Ibid.*, 1826 May 6.

⁶ *Ibid.*, 1834 Feb. 13, 21.

⁷ Charges of Baron Smith: also Addresses presented to him and his Answers with a Report of the Two Debates in the House of Commons upon his Case and an Appendix, *Dubl.*, 1834, pp. xvi + 544 + ccxxiv.

Shortly before the reform ministry was dismissed at the close of that year, a seat in the King's Bench became vacant by the death of Jebb, who was carried off by cholera.¹ The vacancy was filled by the appointment of Philip Cecil Crampton, who had succeeded Doherty as solicitor-general. The new judge was a man of the highest academic distinction, having begun life as a fellow of Trinity College, and enjoyed reflected glory from being a cousin of the great Dublin lion of that day, Surgeon-General Crampton. As solicitor-general he became an ardent politician, contesting the representation of Dublin University twice in the whig interest and sitting for an English pocket borough during the reform debates. At the bar he had gained through a pleasing manner and ready tact considerable practice, but in parliament he was not a success, and on one occasion he committed himself to views on constitutional law that his colleagues found it necessary to disown.²

During the few months that the conservatives were in office under Peel at the beginning of 1835, Plunket gave place as chancellor to Sir Edward Sugden, the future Lord St. Leonards, who had been for a considerable time supreme in the English equity courts, and was unrivalled as a legal author. He had been for four years in parliament before the reform act passed, and for a year solicitor-general before the fall of the tories in 1829, but he did not add to the fame that he had acquired at the bar until he went to Ireland as chancellor, when his greatness was fully revealed. Short as his first tenure of the Irish seal was, it was ample to prove that he possessed judicial powers of the highest degree of excellence, indeed the observation of a single day had impressed indelibly on those who appeared before him a conviction of his profound,

¹ Forster's *Life of Bishop Jebb*, i. 17.

² *Annual Register*, 1831, pp. 236-9.

extensive, and accurate learning, of his patience and discrimination, of his mastery of the authorities and principles of equity and of his ardent love of justice and elevation of moral feeling.¹

It was during the last ministry of William the Fourth's reign, which came into office under Melbourne in the spring of 1835, that advantage was first taken of the emancipation act in an appointment to the Irish judicial bench. From the reign of Elizabeth, excepting during the few years of James the Second's rule, no Roman Catholic had sat upon the bench until O'Connell's legal understudy, Michael O'Loghlen, was raised to it by Melbourne. When the reformers came into power in 1830, O'Loghlen was in enjoyment of one of the largest practices at the Irish bar and had been one of the first Roman Catholics to receive a silk gown after emancipation. Professionally he was certainly far better entitled to the solicitor-generalship than Crampton, who was little senior to him at the bar, but in view of his connexion with O'Connell, he could hardly then have been put in that position, and he was fortunate in receiving from a government such as Grey's the dignity of a serjeant which was then conferred on him. As Grey decided not to confine his Irish appointments to members of his own party the attorney-generalship was then offered to Baron Pennefather's brother, Edward Pennefather, who was politically an opponent, but who stood at the head of the Irish bar, and on his declining to serve in a reform administration it was given on Pennefather's advice to another of Grey's political opponents, Francis Blackburne, who was destined to prove his title not only to that, but also to the highest place in the law.

When Crampton was raised to the bench, in the autumn of 1834, Melbourne had succeeded Grey as prime minister, and he gave the solicitorship to

¹ Blackburne (Lloyd and Goold's Chancery Reports, p. 380).

O'Loghlen, but not until it had been declined by a protestant, Louis Perrin, who was unwilling to act with a conservative attorney-general. Three months later when Peel formed his short-lived administration, O'Loghlen had to make way for Edward Pennefather, who with characteristic modesty consented to serve under Blackburne, although considerably his senior, but on the resumption of office by Melbourne in the spring, both Blackburne and Pennefather retired, and Perrin and O'Loghlen became respectively attorney-general and solicitor-general.

Before Perrin and O'Loghlen had been in office two months a vacancy occurred in the King's Bench through the death of Vandeleur. Excepting in the case of Judge Gore in the reign of George the First, there was no instance for two hundred years of an attorney-general accepting a puisne-judgeship, and if precedent had been followed the vacant seat would have been offered to O'Loghlen. But it was claimed by Perrin, who was not a man to be governed by convention or attracted by the glamour of rank. In his opinions, "honest Louis Perrin," as O'Connell called him,¹ was a radical reformer. In his student days he went so far as to sympathize with Emmet, and did not hesitate to give proof of friendship at Emmet's trial.² He belonged to a Huguenot family that had settled in Ireland, and was a son of a scholarly man, who gained considerable renown in London as a teacher of the French language, and as author for that purpose of text-books, which were dedicated to Lord Lyttelton, and the future George the Fourth, and which became very popular.³ At the bar Perrin practised chiefly in the King's Bench, making commercial law a speciality, and he is said by White-

¹ *Gent's Mag.*, 1865, i. 123.

² *Life of Plunket*, i. 218.

³ *Grammar of the French Tongue*, by John Perrin, Lond., 1768, and *Fables Amusantes par Jean Perrin*, Lond., 1771.

side to have displayed then singular abilities and surpassing ingenuity as a lawyer, but to have been wanting in grace as a speaker.¹ During the passage of the Reform Act he came forward as a candidate for Dublin in the reform interest, and sat subsequently for the county of Monaghan and borough of Cashel, and rendered yeoman service to his party on the commission of inquiry into the Irish corporations.

Before William the Fourth's reign closed two further vacancies occurred on the bench, the first amongst the barons of the Exchequer through the death of Smith, who was then over seventy years of age, and the second in the mastership of the rolls through the death of McMahan, who was ten years younger.² When Smith's death took place in the summer of 1836, O'Loghlen was filling the attorney-generalship, and John Richards, a protestant of similar opinions to Perrin, the solicitor-generalship. On the question of an attorney-general accepting a puisne judgeship O'Loghlen held strongly the prescriptive opinion, but after long delay he gave way as the ministry wished to appoint another Roman Catholic as law officer and would not have dared to do so if O'Loghlen had continued attorney-general and Richards had been given the judgeship. Within two months, owing to McMahan's death, O'Loghlen's ambition was, however, satisfied by his transfer to the rolls, and although he had urged his right to the higher office, Richards accepted the seat that O'Loghlen had rendered vacant in the Exchequer. Both earned their reward easily. O'Loghlen had been a law officer and member of parliament for less than two years, and Richards had been a law officer without a seat in parliament for less than eighteen months,

¹ *Dubl. Univ. Mag.*, i. 195.

² McMahan was suddenly taken ill while on the bench with Plunket hearing a case argued. On reaching his chamber he was attacked by paralysis and remained insensible until his death five days later on Jan. 16, 1837 (*Sausse's Cases in the Rolls Court*).

but O'Loghlen proved one of the best judges that ever sat on the Irish bench, and Richards made so good a reputation judicially, that he was chosen twelve years later for extra duties as a commissioner under the Encumbered Estates Act. By a curious coincidence O'Loghlen, who was the son of a county Clare landowner, and Richards, who was the son of a Dublin attorney, were called to the bar in the same year, 1811, and had their practice and judicial positions reversed, O'Loghlen having practised largely in the Exchequer and Richards before the master of the rolls.

CHAPTER III

THE UNION IN SECURITY

SOVEREIGN—VICTORIA. YEARS—1837 TO 1866

WHEN Queen Victoria ascended the throne in the summer of 1837, the Irish judicial bench had completely recovered such loss of prestige as it had sustained at the time of the Union, and had reached high-water mark if the criterion be the celebrity of its members. Of those who held office then, no less than three were amongst five judicial personages to whom the honour of a statue was accorded in the noble building that perished in the recent maelstrom of Irish patriotism,¹ and scarcely one has escaped notice in the biographical sketches for which Shiel, Curran, Whiteside, and Maddyn made the period celebrated.

While conservatives, liberals, and repealers were contending for power, unanimity and consistency could not be expected in estimations of the members of the bench, but studied criticism was, as a rule, not devoid of restraint and discrimination. Although he denounced the judges *en bloc* as rascally and worthless, O'Connell showed often professional tolerance in his references to them individually, and no one was more alive to the difficulties of their position. In owning his own unfitness for a judge's place he says, that he would be subject either to the temptation of favouring his political partisans or to that of affecting impartiality by leaning towards his political opponents, and that even if he

¹ The members of the bench commemorated by statues were Joy, O'Hagan, O'Loughlen, Plunket, and Whiteside. There was also a statue to Shiel.

escaped both vices, he could not, in a country like Ireland, get credit for virtue, and "justice would be tarnished by suspicion of his integrity even if she escaped pollution from his crimes."¹

As those whom Queen Victoria found upon the Irish bench typified judicially and politically its members for a great part of her reign, it will be desirable to form some estimate of their contemporary reputation and social position, and before doing so it may be well to recall the bench's constitution at the time of the queen's accession by the following synopsis, the only Roman Catholic being marked with an asterisk :

Chancellor	William Conyngham Plunket, Lord Plunket, P.C.
Master of the Rolls	*Michael O'Loughlen, P.C.
Chief Justice of the Queen's Bench	Charles Kendal Bushe, P.C.
Justices of the Queen's Bench	Charles Burton. Philip Cecil Crampton. Louis Perrin, P.C.
Chief Justice of the Common Pleas	John Doherty, P.C.
Justices of the Common Pleas	Arthur Moore. William Johnson. Robert Torrens.
Chief Baron of the Exchequer	Henry Joy, P.C.
Barons of the Exchequer .	Richard Pennefather. John Leslie Foster. John Richards, P.C.

To the office of chancellor, Plunket was admitted by all parties to be entitled on the ground of his intellectual supremacy and practice in equity, but he was not very successful while holding it in gaining confidence and goodwill. Appeals were taken from his decisions, and allegations of nepotism were made against him in parliament. Repealers forgot his services to emancipation

¹ O'Connell's Corr., i, 391.

and regarded him solely as their opponent ; conservatives thought him the author of all evil as a later generation did Gladstone ; and liberals resented his aloofness. In body and mind he personified strength, and only to a small circle in England, which he visited twice a year during the parliamentary session, and to guests at his country house near Dublin, did he show himself in a softer light.

As master of the rolls, O'Loghlen was proving himself a veteran in the law and a giant in judicial spirit, although he was in a reverse ratio as to age and stature, and he was paving the way for the complete obliteration of all religious distinction in the members of the bench.

With regard to the judges of the Queen's Bench, opinion was diverse. By conservatives and liberals of weight, Bushe was considered a judicial asset of the utmost value, but with repealers and place-hunting liberals, who saw in his disposition an increasing conservatism, he had worn out his welcome. From open attack he was saved by his talents and magnetic personality, but he was receiving hints that he ought to retire on account of his age which, owing to his having been cast in a delicate mould, he showed more than Plunket. Burton's was a similar case. Although he continued each day to display his perspicacity and unrivalled knowledge of case law, he was shrivelled and attenuated with age,¹ and he was even more obnoxious than Bushe to repealers and place-hunting liberals as his only daughter and child was married to their chief opponent in Dublin. Both the other judges, Crampton and Perrin, stood high in the estimation of liberals as men who had been ardent emancipationists and reformers, but Crampton, for whom O'Connell had professionally great contempt, did not enjoy the confidence of repealers, nor Perrin of conservatives.

¹ The Metropolitan Mag., xxxi. 254.

For the judges of the Common Pleas, O'Connell had little more respect professionally than he had for Crampton, and he took every opportunity of deriding his antagonist, Doherty. But with the public generally, the Common Pleas was not an unpopular tribunal. Doherty, who was the Apollo of the bench, had overcome the disadvantage of juniority in age by great success as a *nisi prius* judge, and was then a favourite of the law as he had long been of society, and his brethren were held by most people in more or less esteem on account of their long service.

From the political standpoint the majority of the Exchequer judges were abhorrent to O'Connell and his tail, but outside them few were prepared to question any dictum of that court. Joy impressed everyone who was not obsessed by repeal, with the profundity of his legal learning, and he and two of his brethren had won their spurs solely in equity which entered then largely into the business of the Exchequer, while the fourth member of the court, Foster, brought to bear on technical questions knowledge which he had gained in his economic studies and as counsel to the revenue.

Viewed as a whole, Queen Victoria's first Irish bench had strong claims on the respect and goodwill of Ireland. Its members were free from disability, mental or bodily, yet they were of a most mature age, six being over seventy and the youngest upwards of forty-eight, and including as they did liberals of a radical type and conservatives of the Canning type, they could not as a whole be deemed narrow in their outlook. In the largest degree their education had been Irish. Of the fourteen, thirteen were alumni of Dublin University, and twelve had been at Irish schools. In both cases Burton was, of course, an exception, and in the second case he was joined by Doherty, who had been at Chester school. Plunket, Joy, and probably others of the older members had received part of their legal training in England,

but the younger members had spent little time in the English inns of court.

In almost every case the members of the bench had come to it with ample private means, acquired or inherited, and they lived in commensurate style. Several of them exercised influence in counties far distant from Dublin. Kilkenny counted Bushe as one of its leading residents at Kilmurry, and the Queen's county Moore at Lamberton-park, while Tipperary claimed Pennefather at Darling-hill, Londonderry Torrens at Derrynoid-lodge, and Louth Foster at Collon-house. Of the remaining members of the bench, many had country houses near Dublin. Besides Old Connaught near Bray, famous as Plunket's country residence, Woodtown in the Dublin mountains was known as Joy's villa; Seamount, now known as St. Helen's, overlooking Dublin Bay, as Doherty's; Mount Anville, a little more inland than Seamount, as Burton's; and St. Valerie, overlooking the Dargle river, as Crampton's.

In these rural retreats judicial beneficence was, as a rule, on a very ample scale. At Old Connaught Sir Walter Scott found champagne, "in quality and quantity superior to all praise," dispensed by "a pale and gentlemanlike old lawyer," no less agreeable than brilliant as a host,¹ and at Lamberton-park not only was there provided for Scott champagne of merit in abundance, but also salmon and venison in lordly pasties.² At St. Valerie alcohol was, however, banned, for Crampton was only surpassed by Father Matthews in his zeal for total abstinence, and was currently reported to have poured the contents of his cellars into the Dargle.³

Of hobbies the members of the bench were not always

¹ Sir Walter Scott's Familiar Letters, ii. 304, 313, 315.

² Life of Sir Walter Scott, viii. 31.

³ Shiel's Sketches; ed. New York, 1854, 315 n.

guiltless. Foster had some skill in astronomy,¹ Joy studied botany and formed an herbarium,² and Doherty took an interest in numismatology, and collected coins and medals.³ As a wealthy bachelor, Joy indulged often a taste for foreign travel and had penetrated as far as Constantinople.⁴ Foster had also visited the Turkish capital, and other members of the bench, including O'Loghlen and Crampton, had visited the continent in pursuit of health or pleasure.⁵

The next fifty years witnessed a large accession of Roman Catholics to the judiciary, in which they preponderated for a time, but the change was more apparent than real. Whether they were Roman Catholics or protestants those raised to the bench had all passed through the same mill, and, like Queen Victoria's first Irish judges, had, with only one or two exceptions, graduated in Dublin University and attained at the bar to large practice in days when business involving great interests was abundant. Consequently, although it was at first hailed as a triumph, the appointment of Roman Catholics to the bench did little to satisfy the more vocal section of the Irish people, and an attack on the bench was the order of the day when a decision was in conflict with popular sympathy, or when a nominee of a conservative prime minister prolonged his tenure of office in order that the appointment of his successor might not fall to the liberal party.

Judicial patronage was then almost completely controlled by the political situation, and changes on the bench hung so much on the division lists of the house of commons that it is impossible to separate this

¹ Metropolitan Mag., xxxiii. 340.

² Sheil's Sketches, 1. 79.

³ His collections and library, which included many books on numismatology, were sold at Sotheby's in 1853 on Aug. 1 and Nov. 2.

⁴ Metropolitan Mag., xix. 129.

⁵ Sheil's Sketches, i. 189; Torrens's Memoirs of Melbourne, ii. 203; Metropolitan Mag., xxx. 75.

history from the rise and fall of ministries. The close association between vacancies and politics is forcibly illustrated in the very first four years of Queen Victoria's reign when Melbourne was prime minister by two incidents that are now historic. The first of these was the attempt to remove O'Connell from the political arena by an offer of the mastership of the rolls, although his acceptance of it would have resulted in the disappearance from the bench of O'Loghlen, one of its best members,¹ and the second was the dismissal of Plunket in order that plain John Campbell might obtain by a few weeks' tenure of the Irish great seal a title for a seat in the house of lords, with a chancellor's pension behind it.

Besides the evanescent Lord Campbell, Melbourne brought on to the Irish bench during the early years of Queen Victoria's reign Stephen Woulfe, Nicholas Ball, and Maziere Brady. They had all filled, albeit for months rather than years, the office of attorney-general, which Woulfe and Ball owed to their being Roman Catholics and members of parliament, and Brady, who was a protestant liberal of an advanced type, to the friendship of Perrin, through whom he became legal brains-carrier and confidential adviser at Dublin Castle. Of the three, Brady, who became chancellor, was the most successful, but he had no reputation at the bar, where, on the other hand, Ball was valued as an equity lawyer, and Woulfe as a man of capacity who, but for delicacy of constitution, would have risen to eminence in his profession.

It was as successor to Joy, who died in the summer of 1838, that Woulfe came to the bench. He is still remembered in connexion with the emancipation controversy as one of the ablest of the vetoists, and he was more successful in parliament than other Irish law officers of that time, but owing to his bad health

¹ Torrens's *Memoirs of Melbourne*, ii. 257.

and legal limitations, he was unfit for the chief baron's office, then the most arduous judicial one. With singular self-abnegation he urged the promotion of Pennefather to it and his own appointment as a puisne baron,¹ and he only accepted the higher seat, which killed him in two years, to please his party. As attorney-general he was succeeded by Ball, who was equally famous in parliament for his devotion to supper and silence in debate.² Owing to his invincible taciturnity in the house he was raised in seven months to the bench as successor to Moore, who was induced to retire from the Common Pleas on being made a privy councillor. On the bench Ball upheld his reputation as a lawyer, and when Woulfe died in the summer of 1840, he was generally regarded as the person likely to succeed him,³ but Brady, who was then attorney-general, had an irresistible claim as well from his confidential relations with the Irish executive as from his official prescriptive right, and carried off the prize.

The appointment of Campbell as Plunket's successor was a piece of political jugglery seldom equalled for audacity. It took place in the summer of 1841, when Melbourne's administration was *in extremis*, and after a dissolution had been announced, and it superseded as chancellor an equity lawyer by a common one, who had been denied for want of qualification the office of chancellor, and also that of master of the rolls, in England. Nearly two years had elapsed since Campbell had learned that the Irish chancellorship was to be his destiny, in his own eyes no desirable one.⁴ As Plunket's son had been just before raised to the episcopal bench, it was hoped that Plunket would have shown his gratitude by gracefully making way for Campbell, but he was not

¹ *Dubl. Univ. Mag.*, xvii. 84.

² O'Flanagan's *Bar Life of O'Connell*, ii. 99; *Maddyn's Ireland and its Rulers*, iii. 34.

³ *The Times*, 1840, July 13.

⁴ *Life of Campbell*, ii. 137, 138.

willing to incur the odium of retiring voluntarily in favour of a member of the English bar, and when at last forced to surrender, he urged in a stormy interview with the lord lieutenant the additional obloquy that he would incur by being a party to Campbell's imposing a chancellor's pension on the country for what was certain to be no more than a few weeks' service.¹ In consequence of Plunket's attitude, Campbell was obliged to forgo pecuniary benefit, and after sitting in court for a few days and enjoying the dignity for some weeks, he was relegated to the ranks of the opposition as an ennobled but pensionless ex-chancellor. Irish legal opinion was behind Plunket in his objection to Campbell as his successor, but the weightier section was influenced more by Campbell's being a common lawyer than by his being an Englishman.² There was no Irish judge or barrister acceptable to the liberals, whose appointment as chancellor would not have been resented, and the judges, who owed their appointments to Grey and Melbourne, extended a cordial welcome to Campbell, more especially Ball, with whom the lord lieutenant had taken counsel as to forcing Plunket's resignation.

When Peel entered into office two months later, a seat on the Irish judicial bench was due to no less than five of his followers—Sir Edward Sugden, Francis Blackburne, Edward Pennefather, Thomas Langlois Lefroy, and Joseph Devonsher Jackson. Sugden had added to his claim for reappointment as chancellor by having re-entered the house of commons; Blackburne and Pennefather had not lost their supremacy at the Irish bar, or wavered in their allegiance to the conservative cause; Lefroy enjoyed an equity practice equally great in amount, and had supported during the last decade conservative principles in the house of

¹ Life of Campbell, ii. 142.

² The Metropolitan Mag., xxxvi. 357, 358.

commons, not only by his own vote but also by that of his son ; and Jackson was one of the leaders on the Munster circuit, and had borne for five years in the house on the conservative side a chief share of the burden and heat of Irish debates.

The difficulty of the situation was increased by Peel's reluctance to recommend the conferring of hereditary honours. Precedent indicated that a peerage was overdue to Sugden, and was a fit reward for Bushe and Lefroy, the former having struggled in ill-health to retain the chief justiceship until he could place it at Peel's disposal, and the latter having, as a man of inherited and acquired wealth, spent freely of his means for the party in parliamentary contests, but precedent was swept aside by Peel, and every obstacle was overcome by his force of character. Without any adventitious aid Sugden accepted again the chancellorship, and similarly some weeks later not only Bushe but Johnson resigned. As a result of their retirement, Pennefather, who had been first appointed again solicitor-general, became chief justice of the Queen's Bench, Foster was transferred *nolens volens* from the Exchequer to the Common Pleas, Lefroy accepted with rare modesty the office of junior baron, and Jackson became solicitor-general, while Blackburne contented himself with his old office of attorney-general. Within a year, in the autumn of 1842, through the unexpected deaths of Forster and O'Loughlen, way was made to the bench for Jackson as a justice of the Common Pleas and for Blackburne as master of the rolls, and before Peel's administration closed, early in 1846, the chief justiceship of the Queen's Bench fell to Blackburne through the resignation of Pennefather from ill-health, and the mastership of the rolls to Blackburne's successor as attorney-general, Thomas Berry Cusack Smith, who, as second son of Sir William Cusac Smith, not only was the third member of his family in direct descent to hold

Irish judicial office, but also counted his grandfather as an official predecessor.

In no other administration was such a galaxy of legal talent brought upon the Irish bench. Sugden has been pronounced to have been one of the greatest lawyers that ever lived ;¹ Pennefather, Blackburne, and Lefroy were three of the most weighty advocates that ever practised at the Irish bar, Pennefather being compared to Romilly² and Blackburne to Pemberton Leigh³; Smith was only inferior to them through excessive subtlety and an irascible temperament; and although not comparable with them, and derided by O'Connell as a man of leathern lungs,⁴ Jackson had made his mark both at the bar and in the house of commons, and in another age would have been in a foremost rank. With the exception of Smith they had all passed middle life when raised to the bench. Pennefather and Lefroy, who would have been just eligible for a modern old-age pension, had shown ability from their earliest years, and when Redesdale held the great seal they were well-known juniors.⁵ Although he was called to the bar two years after Pennefather, Lefroy was then the more prominent, owing to his having made an essay as a legal author, and displayed a dazzling ingenuity in argument. He and Pennefather took silk at the same time, but he obtained soon after a further lead by being given the rank of a serjeant. Subsequently, owing largely to the detestation of emancipation that Lefroy expressed as an evangelical churchman of the most pronounced type and a reserve and professional concentration that characterized Pennefather, they were both outstripped in government favour by Blackburne, although he was considerably their junior. It

¹ Hannen (*The Times*, 1875, Nov. 26).

² Whiteside (*Dublin Literary Gazette*, p. 65).

³ Maddyn (*Ireland and its Rulers*, i. 136).

⁴ O'Connell's *Corr.*, ii. 75.

⁵ *The Metropolis*, ii. 48, 49.

was through Pennefather's refusal to act as a commissioner under the Insurrection Act that Blackburne obtained, eighteen years after his call to the bar and just after taking silk, the opportunity of showing his great gifts of judgement and adaptability in that office, and as a consequence he was appointed successively a serjeant and attorney-general.

The state trial of O'Connell and his chief adherents for conspiracy to effect the repeal of the Act of Union was the great legal event in Ireland during Peel's administration. Apart from their political importance, the proceedings are memorable for their magnitude and strange incidents. They were spread over nearly a year, from the autumn of 1843 to the end of the summer of 1844, beginning in the Irish Queen's Bench and ending in the house of lords. In Ireland every stage was spun out to the uttermost.¹ The crown led the way with an indictment, which was eighty feet in length, and described as endless, voluminous, unintelligible, and unwieldy,² and the finding of a true bill took six days, the trial twenty-four days, and a motion for a new trial nine days. But in the house of lords the arguments of counsel on the writs of error were confined to four days, and the delivery of the opinions of the judges and the decision of the law lords to two days. At the trial eleven counsel appeared for the crown and sixteen for the traversers. For the crown the attorney and solicitor-general alone spoke, but for the traversers no less than eight king's counsel addressed the court. According to a popular saying the unexpected always happens in Ireland, and it did so certainly in this trial. A lifelong opponent of the popular claims, the future Chief Justice Whiteside, made the most impassioned speech in the traversers' defence; one of whom O'Connell had never spoken but in terms

¹ State Trials, N.S., v. *passim*.

² Denman (*ibid.*, p. 879).

of praise, Chief Justice Pennefather, was the most trenchant in condemning O'Connell's methods; a former ally of the traversers, Judge Perrin, agreed in their conviction and sentence; and the man whose duty it was to suppress crime as attorney-general, Alphabet Smith, or the Vinegar-cruet, as O'Connell variously called him, endeavoured to incite one of the traversers' counsel to fight a duel.

When forming his ministry in the summer of 1846, Russell made Ireland for the Irish one of his principles. As a result, he kept Lord Campbell, who expected to be again given the Irish chancellorship, in England with cabinet rank, and promoted Brady from the chief seat in the Exchequer to the chancellorship. Besides promoting Brady, Russell raised to the bench David Richard Pigot as chief baron, Richard Moore as a justice of the Queen's Bench, and James Henry Monahan as chief justice of the Common Pleas, Pigot being appointed in 1846 on Brady's promotion, Moore in 1847 on the resignation of Burton, and Monahan in 1850 on the death of Doherty. The new judges, who ascended the bench with professional approval, had all duly qualified as law-officers, and Pigot and Monahan had shown zeal for their party by entering parliament. In it, however, Monahan retained a seat for only a few months, and although he was a member of it for over seven years, Pigot was not inspired with political ambition, and hardly ever attended while his party was in opposition. In origin and characteristics, the new chancellor and judges were essentially Irish, and they had enjoyed in a greater or less degree the goodwill of O'Connell and his friends, but they were forced to take an active part in the suppression of the Young Ireland party, and lost credit for patriotism with the populace. Excepting Moore, who was far senior in age, those who found favour with Russell were long on the bench, Brady's tenure of the great seal being only

broken for two short intervals in the next twenty years and Pigot and Monahan's tenure of their chief seats exceeding twenty-five years.

As chief justice of the Queen's Bench, Edward Pennefather had not realised expectations founded on his success at the bar, probably owing to failing health, and he had incurred much popular odium by his charge in the state trial, but as his successor Blackburne attained to a height that has seldom been equalled by any holder of the office, and aroused in no less degree a spirit of emulation in the other judges of the court. On the hearing of the writs of error in the case of Smith O'Brien by the lords in the spring of 1849, Brougham said that he had never read a more able or satisfactory argument in every respect than that of Blackburne when the writs were before the Queen's Bench, and that the other judges of that court, Crampton, Perrin, and Moore, had distinguished themselves by their ability and learning, and their careful and elaborate consideration of the case, on that occasion. In that eulogy two other political opponents of Blackburne's, Cottenham and Campbell, expressed their entire concurrence.¹ Never had the powers of the Irish judiciary been more severely tested or found less wanting than in the year 1848. It opened with a special commission issued to Blackburne and Pigot to try prisoners accused of a series of most barbarous murders in the counties of Limerick, Clare, and Tipperary, and it closed with one issued to Blackburne, Doherty, and Moore to try Smith O'Brien and the other chief participants in O'Brien's abortive insurrection at Clonmel.² In both instances consummate dignity and discretion as well as acumen marked the judicial utterances, and so far as judicial conduct is concerned the trials under those commissions were unimpeachable. Besides the trials at Clonmel,

¹ State Trials, N.S., vii. 378, 379.

² Ibid., vi. 1108; vii. 1.

other trials for offences against the state, including those of Mitchell, Martin, O'Doherty, and Duffy, took place at the ordinary commissions of oyer and terminer in Dublin, and in those the bearing of Pigot, Richard Pennefather, Crampton, Perrin, and Moore left no room for criticism and much for admiration.¹

Towards the close of Russell's first administration there appeared from the conservative and protestant side a pamphlet,² which attacked with vitriolic vehemence the political and religious influence that had in the opinion of the writer occasioned some recent legal appointments. The pamphlet professed to be actuated solely by a desire to prevent the bench falling from its high estate, and is of value in showing, where the writer was disinterested, the estimation in which members of the bench were held judicially. It speaks impartially of the superlative capacity of Blackburne, the splendid judicial faculties of Richard Pennefather, the vigour and black-letter reading of Perrin, the refinement and academic scholarship of Crampton, the astuteness and erudition of Lefroy, the thoroughly legal intellect of Moore, the practical ability of Richards, and the excellent qualities and accomplishments of that estimable Irish gentleman, Ball, but in its references to Pigot and Monahan, it riots in malignity and cannot see a glimmer of the judicial capacity that secured those men the esteem of posterity. Of Brady, "one of the best chief barons," and "one of the worst lord chancellors that Ireland had ever known," the writer had no desire to speak harshly, but he draws a painful picture of him bewildered by the casuistry of Jonathan Christian, baffled by the subtlety of Francis Fitzgerald, and badgered by the disputatious energy of Abraham Brewster in a court where he was said to sit as a judge but not as an authority.

¹ State Trials, N.S., vi, vii passim.

² The Voice of the Bar, No. 1, The Reign of Mediocrity, Dublin, 1850.

Such Irish judicial patronage as Derby exercised during the nine months that he was premier in 1852 was the result of Brady's retirement on Russell's resignation. With Sugden on the woolsack in England, Derby's choice for the Irish chancellorship could not but fall upon Blackburne. While chief secretary for Ireland in Grey's ministry Derby had benefited personally by Blackburne's learning and wisdom, and conservatives in general placed Blackburne among the foremost judicial persons and the sagest and safest counsellors of the age. To fill the chief seat thus vacated in the Queen's Bench, Derby, more mindful than Peel of party service, promoted Lefroy, who had won the regard of his colleagues in the Exchequer no less by his cordial and candid spirit than by his knowledge,¹ but who was then in his seventy-seventh year. Lastly, to fill the vacancy in the Exchequer, Derby appointed Richard Wilson Greene, who had been known to him, in his Irish days, as a law-adviser at Dublin Castle trusted equally by Plunket and Blackburne, and who had afterwards been first serjeant, solicitor, and attorney-general, and earned renown while solicitor-general by his reply in the O'Connell trial.

During the three years that Aberdeen presided over the coalition administration the only event affecting the Irish bench was the restoration of the great seal to Brady, but soon after Palmerston became prime minister in 1855, the house of commons was electrified by a statement that half of the Irish judges were incapacitated either by illness or age. When early in the following session a debate arose on the subject, the statement, although made by an English member, was found to be exaggerated in truly Irish fashion, and no proof that the administration of justice had suffered could be adduced. Although over eighty years of age, Lefroy, Pennefather, and Torrens were shown

¹ Memoir of Lefroy, p. 280.

to be discharging their duties to the complete satisfaction of their brethren, of the bar and of the public. No one attempted to deny that Lefroy was a most able and competent judge, or that Pennefather and Torrens were not most regular and punctilious in discharging their duties both in Dublin and on circuit. But Pennefather had lost his sight, and the debate turned in the end on the question whether he was disqualified by blindness. The result was an extraordinary tribute to the man, conservatives likening him in power of memory to Lyndhurst, and liberals admitting unreservedly his exceptional judicial gifts and undiminished popularity, and any ideas of an address to the crown for his removal were shown to be vain.¹

At the spring assizes of 1856, which immediately followed the debate, the grand jurors, irrespective of creed and politics, hastened to join in addresses of condolence to the injured octogenarians, and the replies made by the latter evinced certainly no lack of energy or acuteness. A few days after he had concluded the business of the assizes, Torrens died, however, suddenly, and room was thus made in the Common Pleas for one of the best known of the Irish judges of Victorian times, William Nicholas Keogh, who had filled the offices of attorney and solicitor-general. To Torrens, an old-fashioned tory and protestant of ordinary attainments, a greater contrast could not be imagined than Keogh, who was then only thirty-nine years of age, spacious in his opinions, a Roman Catholic in religion, rapid and resourceful in intellect, and impassioned and vigorous in speech. In the house of commons, in which he had sat for eight years, he had ridden frequently on the storm, and on the bench, on which he sat for twenty years, he was destined to breast the whirlwind. His appointment was followed in six months by that of Blackburne to fill the office

¹ Hansard, 1856 Feb. 14.

of lord justice of appeal in chancery which was then created, and shortly before the close of Palmerston's first administration, the deaths simultaneously of Jackson and Moore at the end of the year 1857 brought upon the bench as justices of the Common Pleas and Queen's Bench respectively, Jonathan Christian, a protestant, who had been solicitor-general, and a leader of the equity bar, and James O'Brien, a Roman Catholic, who had been a serjeant and member of parliament.

Both Jackson and Moore won the esteem of all parties while on the bench. In Moore's case it is not surprising, for he had not been active as a politician, and although handicapped sometimes by excessive modesty, he had been at the bar even more successful in general practice than Jackson as a *nisi prius* advocate. But in Jackson's case it is not a little remarkable, for in the eyes of Queen Victoria he was so much identified with "the very violent Orange party" that she deprecated his appointment as solicitor-general, yet when he died the *Freeman's Journal*, the organ of the popular party, bestowed on him unstinted praise.¹

On Derby's taking office for the second time, early in 1858, the Irish great seal was offered to Blackburne, but being then over seventy-five years of age, he considered himself too old to change his seat, and the seal was given to Joseph Napier, who had been the Irish attorney-general in Derby's first administration. He had studied law in London under Amos and Patteson, and although his practice in chancery had been but small, he had acquired at the Irish bar an immense reputation as a learned jurist, especially in the science of pleading. In addition he had been for ten years a foremost member of the house of commons, being the first Irish lawyer in the imperial parliament who was

¹ See the Times, 1857 Dec. 22; 1858 Jan. 4; Letters of Queen Victoria, i. 441, 444.

willing to sacrifice professional emolument for political reputation.

Soon after the next year opened the retirement of Richard Pennefather, who was remarkable in completing to a day thirty-eight years on the bench, was announced, and his retirement was quickly followed by that of Crampton. To fill their places, Derby appointed to the Queen's Bench, Edmund Hayes, who had been solicitor-general, and to the Exchequer, Francis Alexander Fitzgerald, who had been Christian's rival at the equity bar, and had been named as fittest for the chancellorship when Napier was appointed. Neither Hayes nor Fitzgerald had taken an active part politically, and one of the few occasions on which Fitzgerald had been retained outside the court of chancery was to defend Smith O'Brien.

In his later years Crampton's reputation was extraordinarily high. In a series of charges to grand juries, he had shown himself ardent in pursuit of righteousness, as well as a man of highly cultivated taste, and in the words of Whiteside, who was attorney-general when he retired and addressed him on behalf of the bar, he had earned the character of the just judge. He had assisted, in Whiteside's opinion, in a remarkable manner in upholding the dignity of the bench, in the preparation of judgements of unquestioned excellence, and in securing the vigorous and the impartial administration of justice. In particular, Whiteside referred to his punctuality, his closeness of research, and his accuracy of learning.¹

During his second administration, which began in the summer of 1859, Palmerston restored Brady to the chancellorship, and raised to the bench four notable men, Henry George Hughes, John David Fitzgerald, Rickard Deasy, and Thomas O'Hagan, for whom room was made by the retirement of Richards in 1859, of Perrin in 1860, and of Greene in 1861, and the death

¹ Crampton : Addresses and Charges, 1859.

of Ball in 1865. Hughes had been only solicitor-general, and a few months in parliament before being raised to the bench, but the other new judges had served both as attorney and solicitor-general, and had much distinguished themselves in the house of commons, in which Fitzgerald had sat for eight, Deasy for seven, and O'Hagan for two years. They were all Roman Catholics, and by their appointments judges of that religion predominated on the bench which when Palmerston died, in the autumn of 1865, was thus constituted, the eight Roman Catholic members being marked with asterisks :

Chancellor	Maziere Brady, P.C.
Master of the Rolls . . .	Thomas Berry Cusack Smith, P.C.
Lord Justice of Appeal .	Francis Blackburne, P.C.
Chief Justice of the Queen's Bench	Thomas Langlois Lefroy, P.C.
Justices of the Queen's Bench	*James O'Brien, Edmund Hayes. *John David Fitzgerald, P.C.
Chief Justice of the Common Pleas	*James Henry Monahan, P.C.
Justices of the Common Pleas	*William Nicholas Keogh, P.C. Jonathan Christian. *Thomas O'Hagan, P.C.
Chief Baron of the Exchequer	*David Richard Pigot, P.C.
Barons of the Exchequer .	Francis Alexander Fitz- gerald. *Henry George Hughes. *Rickard Deasy, P.C.

Before proceeding further with the history of the judiciary in Queen Victoria's reign, it may be of interest to survey the origin and characteristics of the Irishmen who had been raised to the bench since her accession. They numbered twenty-two. Of these Leinster was the home of nine, Munster of eight, Ulster of three, Con-

naught of two. Two had been influenced in their choice of a profession by heredity ; three were the sons of solicitors ; two were the sons of physicians ; two were the sons of officers in the army ; one was the son of a revenue officer ; nine were the sons of men engaged in commercial pursuits ; and three were the sons of men with country interests. Dublin University claimed as alumni all but John Fitzgerald and O'Hagan, and numbered amongst those who left her walls with high honours, Lefroy, Blackburne, Monahan, O'Brien, and Francis Fitzgerald. In later life Woulfe, Keogh, and Napier made essays as authors of polite literature ; and Keogh and Napier, as well as Smith, Hayes, and Hughes, were authors of legal works. Brady was an active patron of the fine arts, and Blackburne and Pigot had musical tastes, and Edward Pennefather skill as an artist. Field sports had attraction for Edward Pennefather and Smith, and love of country life led many of their colleagues to have country houses in the vicinity of Dublin as well as town residences.

The short administration of Palmerston's successor, Russell, did not afford any opportunity for the exercise of Irish judicial patronage. Towards its close efforts were made, however, to force Lefroy, then in his ninety-first year, and Blackburne, then in his eighty-fourth year, to retire from the bench, and their alleged incapacity was made the subject of debate in parliament. The result was inconclusive. Neither of the veterans had any intention of making way voluntarily for a political opponent, and an address to the crown for their removal was impracticable. In their most recent judgements they had shown the utmost acumen, and they were sitting in court every day, Lefroy being, in addition, able to show that he had not failed once to act as a justice of assize during the twenty-five years that he had been a judge.¹

¹ Hansard, 1866 April 19, May 3, 11.

CHAPTER IV

THE UNION IN DANGER

SOVEREIGNS—VICTORIA TO GEORGE V. YEARS—1866
TO 1921

AGITATION and concession are the keynotes in the history of Ireland for the last fifty years that this work covers. In turn the established church, the landlords, and the English connexion have been attacked and broken, and as at each stage persons of independent means have left the country in increasing numbers, the effect has been disastrous on the importance as well as the volume of Irish legal business. Suits of magnitude in regard to real or personal estate have long ceased, and towards the end, however great the talents and learning of the bar may have been, the opportunity of demonstrating them was wanting, and such reputations as were made in the day of Plunket, or of Blackburne, or of Brewster were not attainable by those raised to the bench.

When Derby became prime minister for the third time in the summer of 1866, Irish judicial appointments were a source of difficulty and anxiety. So far as they were concerned James Whiteside dominated the situation. His services to the conservative cause had been incomparably greater than any ever before rendered by an Irish barrister, and his reputation generally was that of one of the most notable advocates that Ireland had ever produced, the halo of his achievement in the O'Connell trial having recently given place to the halo of his triumph in the Yelverton suit. Besides for

fifteen years his eloquence as a member of parliament had been a household word :

Still Whiteside's genius charms both foes and friends,
So headlong force with sparkling fancy blends,
As torrents flash the more their rush depends.¹

By popular voice the chancellorship of Ireland as the highest legal office in that country was designated for him, but apart from his attainments unfitting him for an equity court, his association with the extreme tory and protestant section of the conservative party did not coincide with Derby's plan of forming an Irish executive on a broad basis. When the list of the new ministry appeared, it was found therefore that it was Derby's intention to appoint as chancellor Abraham Brewster, who had been a Peelite and had served as Irish attorney-general in Aberdeen's coalition ministry, and to give Whiteside the office of chief justice of the Queen's Bench, which Lefroy had lost no time in surrendering to the man to whom he owed it. Such an arrangement could not but rouse party clamour. If Napier, who was his brother-in-law and passed over for similar political reasons, had been reappointed chancellor, Whiteside would have had no cause to complain of being given only second place, but he was now asked to surrender the prize that was generally considered rightfully his to one who had hitherto been regarded as a political opponent. Backed by a large number of his parliamentary colleagues, Whiteside declined in such circumstances to accept the chief justiceship, and finally a compromise was effected, under which Blackburne was promoted to the chancellorship, Napier appointed Blackburne's successor, as lord justice of appeal, and Whiteside chief justice. But Brewster's friends at the bar raised an outcry against the appointment of Napier who was vulnerable

¹ Lytton : St. Stephen's.

on the ground of deafness, and within a few weeks he withdrew and Brewster was slipped into the vacant seat.

Blackburne's acceptance of the chancellorship, which he held for only eight months, was entirely due to his loyalty to Derby, who in 1858 had intimated that Blackburne's refusal of the great seal would not be disagreeable to him, but who now wrote that if Blackburne failed to aid him, his arrangements would be thrown into utter confusion.¹ The step was for Blackburne a most unfortunate one, and clouded what proved to be the last year of his life. By the government he was intended to be only a stop-gap, until Whiteside's opposition to Brewster had blown over, but he resented such a position, and clung to office until illness compelled him to relinquish it. On his resignation effect was given to the policy of government on a broad basis, as he was succeeded by a Peelite in the person of Brewster, Brewster by a liberal in the person of Christian, and Christian by that *rara avis* in Ireland a Roman Catholic conservative in the person of Michael Morris, afterwards Lord Morris and Killanin.

During the eleven years between the resignation of the coalition government and his elevation to the bench, Brewster had been in a paramount position at the Irish bar, not less as an equity than as a common lawyer, and had appeared in every *cause célèbre* whether heard on the assizes or in Dublin. He was a veteran who had helped as law adviser at Dublin Castle in the preparation of the O'Connell indictment, and he was approaching his jubilee as a barrister. Before the O'Connell trial, he had been recognized by Blackburne, to whom he owed his first official position, as a man of exceptional ability,² but by the crowd he was regarded as no more than a clever criminal lawyer, and he was so unpopular as to be styled the Irish Thersites. All

¹ Life of Blackburne, pp. 296, 301.

² Ibid., pp. 208-16.

this was, however, a thing of the past, and although plain in speech and harsh in exterior, he had won by his power as an advocate and a lawyer the command of business, and the goodwill of his countrymen.

Besides Brewster and Morris, Derby raised to the bench John George, John Edward Walsh, and Hedges Eyre Chatterton, who were conservatives of the orthodox type. George and Walsh were appointed in the autumn of 1866 to fill respectively a seat in the Queen's Bench and the mastership of the rolls, which had become vacant by the resignation of Hayes and the death of Smith, and Chatterton was appointed at the close of the summer of 1867 as vice-chancellor, an office created by an enactment that he had himself carried through parliament that year. George, who had represented county Wexford in three parliaments, had been solicitor-general in Derby's second administration when White-side was attorney-general, and Walsh, Morris, and Chatterton had been successively attorney-general in the first year of Derby's third and last administration, Walsh and Chatterton sitting in parliament for Dublin University and Morris for Galway.

As no vacancy occurred on the Irish bench during the few months that Disraeli was for the first time in power, the next premier to whom judicial patronage in Ireland fell was Gladstone. His initial exercise of it, on assuming office in the winter of 1868, was to mark the recent removal of the disability of Roman Catholics to hold the Irish great seal by the promotion of O'Hagan from the Common Pleas bench to the chancellorship. The selection of O'Hagan as chancellor evinced no regard for legal opinion, which if a Roman Catholic was essential pointed to Pigot, or Deasy, "a practised equity lawyer and approved judge,"¹ as the fit person for the post, and was prompted by O'Hagan's representing more than any other Roman Catholic on the

¹ Christian (*The Coming Court of Appeal for Ireland*);

bench national ideals. He had never allowed his patriotism to exceed constitutional limits, but he had in his name a recommendation to popular favour, and he did not permit the recollection of an association with O'Connell, at a time when he combined journalism with the practice of his profession to be forgotten. In those early days, when his future greatness was foretold, he was noted for his oratorical gifts and urbane disposition, and these qualities, for which he became with advancing years increasingly distinguished, and his capacity as a statesman, did much to justify Gladstone's choice of him as chancellor.

In order to obtain his assistance in carrying an Irish land bill through the house of lords, O'Hagan was in the summer of 1870 created a peer. Nearly thirty years had elapsed since an hereditary honour had been borne by an Irish chancellor. Sugden was not created Lord St. Leonards until he was appointed chancellor of England, and Brady, Blackburne, and Napier were only offered an hereditary honour, in their cases a baronetcy, when any prospect of return to the Irish chancellorship was at an end. Brady and Napier accepted the honour, but Blackburne declined it as Lefroy had previously done a similar offer on retiring from the Queen's Bench. Whether those great lawyers would have accepted baronetcies if offered at a time when honours would not have had the appearance of a solatium for loss of office, or whether they thought a peerage was their due, is open to doubt, but in declining the proposed title Blackburne said that he had never directly or indirectly sought for an elevation in rank, and that he wished his name to be identified solely with the services that it had been his public duty to discharge.¹

The advent judicially of Edward Sullivan and Christopher Palles, the one prominent for strength in advocacy and counsel, and the other unrivalled for

¹ *Life*, p. 319.

subtlety in exposition of the law, stands to the credit of Gladstone. It was early in Gladstone's ministry that Sullivan became master of the rolls, through the premature death of Walsh in the autumn of 1869, and it was at its close that Palles became chief baron through the death of Pigot in the winter of 1873. They had both been law-officers and Sullivan had enjoyed previously the dignity of a serjeantship. He had given proof of the rarest union of the qualities of courage and prudence throughout his career,¹ especially in the house of commons, where next to Gladstone he took the leading part in the conduct of the bill for the disestablishment of the Irish church, but Palles, who did not enter parliament, made his reputation during his almost unparalleled period of forty-three years of judicial life.

By their appointments the talent at Gladstone's disposal was not exhausted. In the latter half of Queen Victoria's reign no men were more conspicuous on the Irish bench in their several ways than James Anthony Lawson, Charles Robert Barry, and Richard Dowse, who were appointed by Gladstone to fill seats in the Common Pleas, Queen's Bench, and Exchequer that became vacant through the promotion of O'Hagan to the chancellorship in 1868, the death of George in 1871, and the death of Hughes in 1872. Each of the new judges had been a serjeant, a law-officer, and a member of parliament. As a former leader of the equity bar and a man of great capacity, distinguished as a classical scholar, political economist, and statistician, Lawson was generally considered never to have received the recognition due to his abilities. He had been originally designated for the office of vice-chancellor, which he lost through the vicissitudes that attend legislation, and his name was frequently mentioned in connexion with the chancellorship. but excepting in his appointment as a commissioner to administer the

¹ Lawson (*The Times*, 1885, April 16).

property of the church after its disestablishment, no further favour was ever shown to him. Barry, who enjoyed a popularity that has never been exceeded, was a man of extraordinary natural ability. He attained considerable reputation as a jurist, which led to his promotion eventually to the court of appeal. In Dowse Irish wit and humour were mingled with incisiveness and knowledge of the world, and his departure from the house of commons drew from *Punch* an unexampled tribute : ¹

For whiniver Dick's pate,
Shot up from his sate—
Like the sun in a state of sublimest good-humour—
The worst prose in the house
Sat as still as a mouse,
And the sleepest member woke up at the rumour.

The reporters' long faces
Got short'ning like blazes
At this smiling oasis such sandy stuff afther ;
Why even the bobby
Snaked in from the lobby,
And almost destroyed himself shakin' wid laughther.

By the appointments between Palmerston's death and the termination of Gladstone's first administration the bench had been much changed, and as it was on the eve of being transformed by the Judicature Act, it will be well to give a synopsis of its constitution, in which Roman Catholics are again marked with asterisks, at the time of Gladstone's resignation :

Chancellor	*Thomas O'Hagan, Lord O'Hagan, P.C.
Master of the Rolls	Edward Sullivan, P.C.
Vice-Chancellor	Hedges Eyre Chatterton, P.C.
Lord Justice of Appeal	Jonathan Christian, P.C.

¹ 1872 Nov. 23.

Chief Justice of the Queen's Bench	James Whiteside, P.C.
Justices of the Queen's Bench	*James O'Brien. *John David Fitzgerald, P.C. *Charles Robert Barry, P.C.
Chief Justice of the Common Pleas	*James Henry Monahan, P.C.
Justices of the Common Pleas	*William Nicholas Keogh, P.C. *Michael Morris, P.C. James Anthony Lawson, P.C.
Chief Baron of the Exchequer	*Christopher Palles, P.C.
Barons of the Exchequer	Francis Alexander Fitzgerald. *Rickard Deasy, P.C. Richard Dowse, P.C.

When Disraeli formed his second administration in the spring of 1874 no chancellor of Ireland was appointed and the great seal was committed to three commissioners, Napier, Lawson, and a master in chancery, William Brooke. This arrangement, which lasted for nine months, was the subject of much criticism, to which additional weight was given by Napier's deafness, Lawson's extraneous occupation as a church commissioner, and Brooke's age, but the judicial duties of a chancellor were in the opinion of their colleague Christian efficiently performed by the commissioners, and the arrangement might have continued for a much longer time if the death of his eldest son had not caused Napier to retire.¹

As the constitution of a new commission was difficult in face of the hostility of a united Ireland, the chancellorship was on the opening day of 1875 given to John Thomas Ball, then the Irish attorney-general. Although his professional reputation had not been made as an equity lawyer, Ball was, according to the *Times*,²

¹ Life of Napier, p. 299.

² 1874 Dec. 18.

“admitted on all hands to be eminently worthy of promotion to the chancellorship.” From his college days, when he had won many distinctions, he was regarded as a scholarly and eloquent man, judicial in his temperament and severe and fastidious in his taste, and in the ecclesiastical courts in which he elected mainly to practise he attained to a foremost rank. He was no less successful in the probate court, which was established seventeen years after his call to the bar, and owing to the circumstances of Ireland he was able to practise also in the courts of common law and equity, and on circuit where he was long a crown prosecutor. His adoption of the rôle of a civilian, which was probably prompted by a proneness to theological study, was for him fortunate. It resulted in his becoming vicar-general to the primate seven years before the disestablishment of the Irish church, and in his coming forward as a defender of the church first as a follower of Palmerston, and afterwards of Disraeli, when he was returned as one of the representatives of Dublin University. His first speech in the house of commons, which as it was on the second reading of the disestablishment bill gave peculiar opportunity for the exercise of his gifts and attainments, brought him contemporary fame,¹ and it was followed by others which secured for him applause on the Irish land and university question, on the ballot bill and on the home rule question.² On his return to office Disraeli had designated Ball for the Irish chancellorship, but he wished to keep one in whom he placed confidence as a lawyer and an Irishman in the house of commons until legal reform in Ireland, which he had announced as one of his measures, was carried, and yielded to the judgement of others in not issuing

¹ The Times, 1875 Jan. 4.

² Lecky says (Memoir, p. 102) that on the home rule question Ball spoke very badly, but others did not take that view, the Marquess of Hartington referring to the speech as eloquent, and the Times quoting from it with approval.

a new commission of the great seal after Napier's resignation and retaining Ball in the house.

It was not until 1877 that legal reform in Ireland was accomplished. In 1874 a judicature bill for that country which was introduced in the house of commons by Ball, was withdrawn, and in 1876 a similar fate attended a second bill, which was introduced in the lower house by the future Lord Rathmore, then the Irish solicitor-general. The judicature act, which was carried through the house of commons in 1877 by the future Lord Ashbourne, then Irish attorney-general, united in one supreme court the courts of law and equity and the probate, matrimonial, and landed estates courts, which had hitherto been independent. The supreme court was divided into a high court of justice and a court of appeal, and the high court was divided into five divisions, a chancery division, into which the landed estates court was brought, a queen's bench division, a common pleas division, an exchequer division, and a probate and matrimonial division. On the changes made by the act it is unnecessary to dwell at length. It is only requisite to mention that the act created a second lord justice of appeal, added to the judges, of whom this work has hitherto treated, a probate judge and two landed estates court judges, reduced the puisne judges in the Common Pleas and Exchequer from three to two each, and eliminated the titles of vice-chancellor and baron after the deaths or resignations of the then holders.

During the period of transition before and after the passing of the judicature act, the bench lost some of its most illustrious members. Within five years there disappeared from it in succession, through death or resignation, Pigot, Monahan, Whiteside, Keogh, and Christian. In each case the extent of the loss that the Irish bench had sustained was emphasized by exceptional notice in the *Times*, an entire leading

article being devoted to each of the last three. Except as a forensic orator the *Times*¹ denied greatness to Whiteside, but his commanding genius was universally acknowledged by Irishmen and his look of power is a thing that those who have seen it cannot forget. Unlike Whiteside, Keogh had to turn to England for a just tribute. In regard to him patriotic Ireland reached the limit in the art of vilification, but as the *Times*² remarked, in any other country Keogh's ability would have brought him distinction, and his gifts ensured for him respect and popularity. The Irish brilliancy that shone in him was associated with the most scholarly attainments, and the magnetism of his personality attracted a sort of hero worship from men of his calibre.³ Although unsociability of temperament and belief in his own superiority, both in conscientiousness and intellect, brought Christian into conflict with others, and especially with O'Hagan and Chatterton, his learning and acumen earned for him a place amongst eminent Irish judges.⁴ For these qualities, Pigot stood even higher than Christian in the estimation of his contemporaries, who looked with a lenient eye on his tendency to prolong litigation by excessive subtlety,⁵ and Monahan displayed throughout his long tenure of office, a judicial capacity that won the respect and confidence of the bar and the public.⁶

¹ The Times, 1876 Nov. 28.

² Ibid., 1878 Oct. 3.

³ In this connexion it may not be irrelevant to recall a Dublin coterie, known as "The Tail-end Club," of which Keogh was the origin and centre. The club resembled Swift's famous one, the members not exceeding fourteen in number, and the meetings taking place at a dinner which was given by each of them in turn. The members were in spirit, legally or academically, kindred to Keogh, and his "peculiar turn of thought" was evidenced in the choice of a tail end of beef as the *pièce de résistance* of the club. Of those mentioned in these pages Sullivan, Barry, Lawson, Ball, and Murphy are known to have been members.

⁴ The Times, 1878 Nov. 13.

⁵ Ibid., 1873 Dec. 23.

⁶ Ibid. 1876 Jan. 14.

Before passing from this period a reference, however brief, must be made to a series of pamphlets in which Christian ventilated his views between 1872 and 1874 on equity jurisdiction and the merits of those who exercised it.¹ The pamphlets are most powerful, and models of polished diction, but they treat of the reputation of the writer's colleagues with a freedom that has never, even in the present age of revelation, been exceeded. To Christian any attempt to fuse the codes of equity and law was sacrilege, and Redesdale, Hart, and Sugden were as gods. In his opinion an equity lawyer might succeed on the common law bench, but a common lawyer on the equity bench was bound to be a failure. In order to make an attack on O'Hagan, Brady, a good chief baron spoiled to provide a bad chancellor, was dissected, and the public were informed that in contrast to O'Hagan, Brady was in spite of his shortcomings no ordinary man, no mere pliant medium waiting to take its impress from others, thoroughly natural and national, scorning "the unutterable littleness of trying to hide the indelible characters of his nationality behind a mask of personal affectation."

For Disraeli, Irish judicial patronage presented peculiar difficulty owing to the changes that were made in the judiciary during his administration, and the preponderance of liberals and Roman Catholics that he found upon the bench. As has been seen of its fifteen members, exclusive of the chancellor, only four, Christian, Francis Fitzgerald, Morris, and Whiteside, were conservatives, and of the twelve common-law judges only the same number, Dowse, Francis Fitzgerald, Lawson, and Whiteside, were protestants. The first seat to become vacant was the chief one in the Common Pleas by the resignation of Monahan at the beginning of 1876. It was filled by the promotion of Morris under special

¹ The Court of Chancery; The Coming Court of Final Appeal; The Irish Judicature Bill.

arrangement with the attorney-general who had been only just appointed, and the puisne seat rendered vacant by Morris's promotion was left empty. In Ireland, owing to Morris's religion and popularity, and in England owing to the saving of a judge's salary, this arrangement provoked little, if any, adverse criticism, but on the death of Whiteside at the close of that year the question of his successor gave rise in both countries to keen controversy, and two months elapsed before his successor was appointed. The new chief justice of the Queen's Bench, George Augustus Chichester May, who had been previously attorney-general, had come to the bar from Cambridge University as an ex-fellow of Magdalen College, and as one who had been only second to Lord Lyttelton and Dr. Vaughan in the classical tripos, and a wrangler in the mathematical tripos, but at the bar he had not reached such a position as his talents warranted, and he had practised mainly in equity. On these grounds his appointment was vehemently opposed, but apart from the strength of the Irish attorney-general's prescriptive right to a chief seat when it fell vacant, no alternative was open to Disraeli. It was impossible for him under the party system to appoint other than a conservative and protestant, and the only one in a situation to be appointed, and better fitted than May for the chief justiceship, was Chatterton, who had practised in the common law courts, and he declined to change his seat. The promotion of Lawson was urged by the *Times*,¹ but setting aside all considerations of party and creed the choice ought to have fallen on John Fitzgerald or Sullivan, of the two for its indirect effect on the latter, inasmuch as the mastership of the rolls would have been open for May, who would have been suited to it.

But when the judicature act came into operation in 1878 Disraeli gained credit by his constitution of the

¹ 1876 Jan. 10,

court of appeal, for first he nominated as a lord justice Deasy, the Bayard of the bench, as Morris called him,¹ and afterwards Gerald Fitzgibbon, who for the next thirty years adorned the judicial and the public life of Ireland. At the same time Robert Richard Warren as judge of the court of probate and Stephen Woulfe Flanagan and Henry Ormsby as judges of the Landed Estates Court were added to the high court, and Michael Harrison, who had been a bankruptcy judge, was brought into the Common Pleas on the death of Keogh. With the exception of Flanagan, they had all been law-officers, but Fitzgibbon and Harrison had been only solicitor-general before their appointment as judges.

After Gladstone's return to office in 1880, Sullivan became far the most notable judicial figure on account of the influence that he exercised in the government of the country. During that crimeful period his assistance, which was recognized but inadequately by his being given a baronetcy in 1881 and the chancellorship in 1883, was of the utmost value, and when his death came suddenly in 1885 his power was immense. But he was not the only member of the bench whose services at that time deserve remembrance. Lawson escaped assassination in 1882 by a hair's breadth for his firmness in upholding the supremacy of the law ; William O'Brien and James Murphy, who were raised to the bench by Gladstone, were for long believed to be in peril of their lives for the part that they had taken in 1883, one as judge and the other as prosecutor in the conviction of the Invincibles ; and John Fitzgerald and Barry bore the odium of having presided in 1881 at the state trial of Parnell and his comrades in the Land League, from which May escaped owing to his impartiality having been impeached.

The eminent judicial qualities that John Fitzgerald

¹ Dict. Nat. Biog., xiv. 263.

had displayed for many years as a puisne judge received in 1882 recognition by his elevation to the house of lords as a law lord, and Barry was, in the following year, chosen to fill a vacancy caused by the death of Deasy in the court of appeal. Of the other changes, for which Gladstone was responsible, the most noteworthy was the appearance as Sullivan's successor in the mastership of the rolls, of Andrew Marshall Porter, who had become attorney-general and a member of parliament at the close of a most successful career at the bar, and who after gaining much distinction in the house of commons, for over twenty years stood foremost amongst the members of the bench.

During the five years that Gladstone's second administration lasted no less than four appointments were made to the chancellorship. It was first restored to O'Hagan, whose second term of office was signalized by his being made a knight of St. Patrick. On his resignation in eighteen months he was succeeded as chancellor by Hugh Law, then Irish attorney-general, whose rise at the bar had not been rapid, but whose ability had been amply shown in the preparation of the Irish measures of Gladstone's first administration and afterwards as a member of parliament. Law's unexpected death in less than two years caused the vacancy which Sullivan filled, and on Sullivan's death, seventeen months after his appointment, the great seal was given to John Naish, who was a man of high academic attainments, with the recommendation of being a Roman Catholic and attorney-general, but who had not much professional reputation or been in parliament.

In addition to Lord Fitzgerald and Deasy, the bench lost during Gladstone's second administration, by death in 1881, James O'Brien, and by resignation in 1882, Francis Fitzgerald. To fill these vacancies, besides William O'Brien and Murphy, who owed their appointments to their ability as criminal lawyers, the bench

gained as puisne judges William Moore Johnson, who had been Law's successor as attorney-general and a member of parliament, and William Drennan Andrews, who was distinguished as a lawyer of subtlety. William O'Brien was appointed to the Common Pleas from which Lawson had been transferred to the Queen's Bench, Andrews to the Exchequer, Johnson to the Queen's Bench, and Murphy to the Common Pleas from which William O'Brien was then transferred to the Queen's Bench.

At the close of Gladstone's second administration in the summer of 1885, no member of the bench who had been appointed before Palmerston's death remained on it, and Roman Catholics had ceased to preponderate as the following synopsis will show, the Roman Catholics being marked with asterisks :

Chancellor	*John Naish, P.C.
Master of the Rolls	Andrew Marshall Porter, P.C.
Vice-Chancellor	Hedges Eyre Chatterton, P.C.
Lord Justices of Appeal	Gerald Fitzgibbon, P.C. *Charles Robert Barry, P.C.
Justices of the Landed Estates Court	*Stephen Woulfe Flanagan, P.C. Henry Ormsby, P.C.
Judge of Probate Division	Richard Robert Warren, P.C.
Chief Justice of the Queen's Bench	George Augustus Chichester May, P.C.
Justices of the Queen's Bench	James Anthony Lawson, P.C. William Moore Johnson, P.C. *William O'Brien.
Chief Justice of the Common Pleas	*Michael Morris, P.C.
Justices of the Common Pleas	Michael Harrison. James Murphy.
Chief Baron of the Exchequer	*Christopher Palles, P.C. Richard Dowse, P.C. William Drennan Andrews,

In the twenty years that had passed since Palmerston's death, twenty-four men had received superior judicial rank. They were all Irishmen and members of the Irish bar. Six were natives of Dublin or its vicinity; five were natives of Ulster; and the remainder were natives of the south or west of Ireland. Only one was the son of a barrister, and two the sons of solicitors. Four were the sons of clergymen of the established church; one was the son of a clergyman of the unitarian church; two were the sons of officers in the army; five were the sons of men engaged in commercial pursuits; and nine were the sons of men with country interests. Excepting May, Porter, who was a graduate of the Queen's University, and O'Brien, they were alumni of Dublin University and the majority had taken high honours. In later life Whiteside, Walsh, Lawson, Ball, and Warren appeared as authors, Sullivan became famous as a book-collector, and Walsh and Lawson were editors of legal works.

The first administration of Salisbury, which began in the summer of 1885 and lasted only for eight months, brought on the bench for the first time as chancellor Edward Gibson, then created Lord Ashbourne, who was destined to rival Brady in length of service and to occupy a unique place amongst modern Irish chancellors as the only one who was included in the cabinet while holding the great seal. At the time of his first appointment to the chancellorship Gibson's prominence in English political life had never been exceeded by any Irish barrister on the conservative side. Ireland had become once more, under Gladstone, the question of the hour and owing to his power as a speaker, practical ability, and knowledge of his country, Gibson was then in constant requisition in the house of commons, on platforms, and in the counsels of the conservative party. He had sat, as member for Dublin University, for ten years in the house of commons, where, while acting

as Irish attorney-general for the last three years of Disraeli's second administration, he had gained a secure footing, and he had been able, through his possession of large private means, to devote his entire time to politics. To his phenomenal success his character and his appearance had contributed. The one was marked by earnestness, decision, and serenity, and the other by a head of prematurely white hair and dignity of bearing. As *Vanity Fair* said,¹ he was wise and he looked it.

Of the members of the bench other than the chancellor, at the time of Salisbury's first administration, Morris, who received then a baronetcy, enjoyed the widest fame. With the crowd it rested mainly on his pronounced Irish traits, but with persons of weight on something more solid. He took a pride, as he said, in his nationality, and never tried to moderate his Irish wit or Galway intonation, but behind his mannerisms he had in an exceptional degree the gifts of sagacity and insight as well as long judicial experience. When, eighteen months later, during Salisbury's second administration, he was raised to the office of chief justice of Ireland on the resignation of May, his promotion was received with acclamation, and his elevation three years later to the house of lords as a law lord on the death of Lord Fitzgerald, took from the Irish bench a great personality.

By Gladstone's third administration in 1886, during which Naish was again Irish chancellor, Salisbury was not many months deprived of office. With him there returned as Irish chancellor, Ashbourne, and early in the year 1887, the latter showed his statesmanship in regard to the judiciary by arranging on the retirement of May for the abolition of the chief justiceship of the Common Pleas and fusion of that division with the Queen's Bench. During Salisbury's first administration

¹ 1885 July 4.

the holder of the office of solicitor-general, John Monroe, had been appointed judge of the Landed Estates Court, on the retirement of Flanagan and Ormsby, but during Salisbury's second administration none but holders of the office of attorney-general were raised to the bench. Thus Hugh Holmes succeeded in 1887 to a puisne seat in the Common Pleas on the promotion of Morris ; John George Gibson in 1888 to a puisne seat in the Queen's Bench which had become vacant by the death of Lawson ; Peter O'Brien in 1889 to the chief justiceship on the retirement of Morris, and Dodgson Hamilton Madden in 1892 to a puisne seat in the Queen's Bench which had become vacant by the transfer of Murphy to the Exchequer on the death of Dowse.

The pre-eminence which came to Peter O'Brien as chief justice of Ireland was not unearned. From the days of the Invincibles, first as a crown prosecutor and afterwards as a law officer, he had been in the forefront of the conflict with crime in its most insidious form, and had shown in that situation an indifference to danger and vituperation that had largely contributed to the restoration of order. By him for nearly twenty-five years, the prestige of the chief common law seat was worthily upheld, and on him a baronetcy and a peerage, honours not borne by his predecessors for more than seventy years, were conferred. But Holmes, who had shown self-effacement at the time of Morris's promotion, or Gibson had more title professionally to the office. They had also both some claim for consideration in parliamentary service, which O'Brien had not rendered, and Gibson, who was a younger brother of Lord Ashbourne, had shown great brilliancy in his college course, terminating in his graduating as first in classics and history, and receiving in recognition of his answering, the degree of a master of arts *honoris causa*. Although junior in office, Madden, whose scholarship is now widely known by his Shakespearean studies, stood on an

exalted plane academically and professionally, and had won a high parliamentary reputation as representative of Dublin University for five years.

During the fourth administration of Gladstone and that of Rosebery, which covered three years from the summer of 1892 to that of 1895, the only change on the bench was caused by the transfer of the great seal from Ashbourne to Samuel Walker, who had been a law officer in Gladstone's second and third administrations, with at first a seat in parliament. He owed his appointment to the chancellorship to the fact that he had openly declared for Gladstone's home rule policy, but he had professional fitness as he had been for many years in large practice, mainly in equity, and had attained to so foremost a rank at the bar twelve years before as to lead for the traversers in the state trial of that period.

On Salisbury's return to office for the third time in the summer of 1895, Ashbourne became once more chancellor, and signalized his fresh tenure of that office two years later by assisting in the completion of the reform of the judiciary in which he had borne already so large a part both as attorney-general and chancellor. The final alterations were the fusion of the exchequer division, the probate and matrimonial division, and the bankruptcy court with the Queen's Bench Division. In the first case, the fusion was entirely due to Palles, who proposed himself to surrender his independence and to serve as second justice of the Queen's Bench Division; in the second case the fusion was rendered possible by the death of Warren; and in the third case the fusion was facilitated by the promotion of the bankruptcy judge, Walter Boyd, to a seat in the Queen's Bench Division.

During the ten years from 1895 to 1905 that the conservatives were in power under Salisbury and Mr. Balfour, the office of attorney-general was held con-

tinuously by the present Lord Atkinson, whose tenure had not been approached in length by that of any of his predecessors since the reign of George the Third. As a consequence, three solicitors-general, William Kenny, Dunbar Plunket Barton, and George Wright, were appointed between 1897 and 1901 to the Queen's Bench Division, which lost by death in 1895 Harrison, in 1899 William O'Brien, and in 1901 Murphy. Besides the changes already mentioned, the resignation of Monroe in 1896 led to the appointment direct from the bar of John Ross as judge of the Landed Estates Court; the death of Barry in 1897 to the promotion of Holmes as lord justice of appeal; and the resignation of Chatterton in 1904 to the transfer of Barton from the Queen's Bench to the Chancery Division.

Ross, destined to be a baronet and the last Irish chancellor, ascended the bench at the early age of forty-two with general acceptance to discharge the duties of one of the most arduous and exacting judicial posts. In college, at the bar, and in parliament, he had proved himself a capable, eloquent, and strong man, and was esteemed by unionists as one who had won the representation of Londonderry in the struggle against home rule. Kenny, who was many years senior to Ross, had been a leader of the equity bar. He had also been conspicuous in politics as an active member of the liberal unionist party and had recommended himself to opponents of home rule by capturing the chief Dublin seat. Barton, destined to be a baronet and known by his writings, had practised at the common law bar and had been for some time a professor of law at King's Inns. He had given proof of the oratorical powers which were his by right of descent from Plunket and Bushe, in the Oxford Union and in parliament, and enjoyed wide popularity.

During the last decade of the nineteenth century, three of the judges, who had ascended the bench without

the distinction of being privy councillors, were admitted to the council board, O'Brien and Murphy in 1890, and Andrews in 1897, and in the coronation year of King Edward the Seventh, 1902, the precedent was followed in the cases of Ross and Kenny. In that year, also, following the precedent established in the case of O'Loughlen at Queen Victoria's coronation, a baronetcy was conferred on Porter as master of the rolls.

When Mr. Balfour's administration came to an end in the winter of 1905, twenty years had elapsed since Salisbury first came into power, and it will be useful to give again a synopsis of the constitution of the bench. It will be noticed that the judges had diminished in number by three, and that Roman Catholics, who are marked with asterisks, had been reduced to three, two of these owing their seats to a conservative premier.

Chancellor	Edward Gibson, Lord Ashbourne, P.C.
Master of the Rolls	Sir Andrew Marshall Porter, baronet, P.C.
Lords Justices of Appeal	Gerald Fitzgibbon, P.C. Hugh Holmes, P.C. Dunbar Plunket Barton.
Justice of the Chancery Division	
Justice of the Landed Estates Court	John Ross, P.C.
Chief Justice of the King's Bench	*Peter O'Brien, Lord O'Brien, P.C.
Chief Baron	*Christopher Palles, P.C.
Justices of the King's Bench	William Drennan Andrews, P.C. William Moore Johnson, P.C. John George Gibson, P.C. Dodgson Hamilton Madden, P.C. Walter Boyd. *William Kenny, P.C. George Wright.

Of the twelve men raised to the bench between 1885 and 1905 three were born in Ulster, and the remainder were natives of Dublin or the south of Ireland. Again, only one was the son of a barrister and three the sons of solicitors; of the remainder, one was the son of a member of parliament, another was the son of a clergyman of the established church, a third was the son of a clergyman of the presbyterian church, and a fourth was the son of an officer. Monroe was a graduate of the Queen's University and Barton of Oxford University, but the remaining ten were all alumni of Dublin University.

Tributes which were paid at that time to judges who died in office show that the traditions of the Irish bench were being most worthily maintained. On the death of Barry, Lord Ashbourne spoke eloquently from the chancery bench of the inestimable advantages that Barry's colleagues in later years had derived from his legal knowledge, his ripe experience, his trained discretion, his love of justice, his great judicial instinct, his wise and ready counsel, and his conspicuous consideration, and dwelt on Barry's gift for inspiring affection.¹ By the *Law Times* William O'Brien was ranked as a great judge, in respect of learning, intellect, and force of character. His charges in the trials of the Invincibles, at which he presided alone, had attracted wide attention, and were the prelude to a judicial career that proved the discernment of Sullivan, who had been his friend in days when his reputation was not high.² In Murphy, who was known to an earlier generation as Keogh's devoted friend and son-in-law, the *Times* said that the Irish bench had lost a member alike most able and most accomplished. It recalled the power of his advocacy, marked as it was by adroitness, persistence, and resource of pathos and of humour, spoke of his

¹ The *Law Times*, 1897 May 22.

² *Ibid.*, 1899 Dec. 9.

dignity and firmness on the bench, and pictured the warm-hearted hospitality that he exercised at his home under the Dublin hills, where his racy spirit in conversation, his scholarly attainments, and his literary acquirements were the delight of his guests.¹ On the death of Fitzgibbon a few years later the chief justice of England, in expressing the sympathy of the English with the Irish bench, bore witness to the distinction of Fitzgibbon's judicial career, and the *Times* referred to him as one who might have aspired to the highest office in the political service of his country. In particular the *Times* was insistent on his untiring energy and logical perception in the application of principles on the bench, his whole-hearted devotion to the general service of his country, and his social gifts which brought each Christmas vacation to his country house on the cliffs of Howth notable men in the public life of England and Ireland.²

During the remaining sixteen years that come within the scope of these pages, while liberal administrators were in office from 1905 to 1915 and coalition administrators were in office from 1915 to 1921, changes on the bench came rapidly. To the list of chancellors there were added under the first liberal administration the name for the second time of Sir Samuel Walker, as he then became in right of a baronetcy, who died in office; under the second liberal administration the names of Redmond John Barry, who died in office, and Ignatius John O'Brien, who was created while in office a baronet and on his retirement a peer as Lord Shandon; and under the second coalition administration the names of Sir James Campbell, who had been created previously while chief justice a baronet and was created on his retirement a peer as Lord Glenavy, and Sir John Ross, who had been previously created a baronet in recogni-

¹ The *Times*, 1901 Sept. 7.

² *Ibid.*, 1909 Oct. 15.

tion of his long service in the Chancery Division. To the list of chief justices there were added under the second liberal administration the name of Richard Robert Cherry; under the first coalition administration the name of Sir James Campbell; and under the second coalition administration the name of Thomas Francis Molony, who was created a baronet after his retirement. To the list of masters of the rolls there were added under the first liberal administration the names of Richard Edmund Meredith, who had been the land commission judge, and Andrew Charles O'Connor. To the list of lords justices of appeal there were added under the second liberal administration the names of Richard Robert Cherry, John Francis Moriarty, who died in office, Stephen Ronan, and Thomas Francis Molony; and under the second coalition administration the name of James O'Connor. To the list of justices in the Chancery Division there were added under the second coalition administration the names of James O'Connor and John Blake Powell. And to the list of justices in the King's Bench Division there were added under the first liberal administration the name of William Huston Dodd; under the second liberal administration, the names of Thomas Francis Molony and Jonathan Ernest Pim; under the first coalition administration the name of John Gordon; and under the second coalition administration the names of William Moore, now chief justice of Northern Ireland, and Arthur Warren Samuels.

Of the sixteen appointed for the first time eleven had been attorney-general, one solicitor-general, and one a serjeant. In politics nine ranked as liberals, five as conservatives, and two were undetermined, and in religion eight were Roman Catholics. Seven had been members of the house of commons, Sir James Campbell for upwards of twenty, Mr. Gordon for upwards of sixteen, and Mr. Moore for about seventeen years. As

alumni Dublin University claimed thirteen, counting not only Sir James Campbell, now her vice-chancellor, but also Sir Thomas Molony, who won all possible honours in her law school, Mr. Cherry, Mr. Charles O'Connor, Mr. Pim, and Mr. Samuels amongst her distinguished graduates; the Queen's University five; and the Royal University one.

Since 1881 the members of the high court of justice have been increased by the head of the Land Commission, but limitations of space and inadequate knowledge have prevented reference to those who have held that office. They have been John O'Hagan, Edward Falconer Litton, Edmund Thomas Bewley, Richard Edmund Meredith, James Owens Wylie, and William Evelyn Wylie.

The death of Palles, who had retired from the bench three years before, evoked from the *Times* a panegyric that has never in the case of an Irish judge been exceeded in length and unrestraint. By that great organ his authority as an exponent of the common law was declared to be unquestioned and recognised, not only at home but also in the colonies and the United States, and his work was believed, much admired as it had been, to have as yet not received full recognition.¹ But the loss of Holmes, who was said by a high authority² to have been the best law-officer that he had ever known, was felt perhaps no less severely by the Irish bench. He was pronounced by the *Law Times* to have been a great lawyer and a big man, and his fairness and impartiality, as well as learning, received plaudits from those to whom he had been opposed politically.³

With the appointment, in the summer of 1921, as chancellor of Sir John Ross, the able, courageous, and

¹ The *Times*, 1920 Feb. 16.

² Thomas Henry Burke.

³ The *Law Times*, 1916 April 29.

consistent last holder of the great seal of Ireland, these pages fitly end, the constitution of the bench being then as follows :

Chancellor	Sir John Ross, baronet, P.C.
Master of the Rolls	Charles Andrew O'Connor, P.C.
Lord Justices of Appeal	Stephen Ronan, P.C. James O'Connor, P.C.
Justice of the Chancery Division	John Blake Powell, P.C.
Chief Justice	Thomas Francis Molony, P.C.
Justices of the King's Bench	John George Gibson, P.C. William Huston Dodd, P.C. Jonathan Ernest Pim, P.C. John Gordon, P.C. William Moore, P.C. Arthur Warren Samuels, P.C.

SUCCESSION
OF THE
CHANCELLORS, MASTERS OF THE ROLLS, CHIEF JUSTICES
AND JUSTICES OF THE KING'S OR QUEEN'S BENCH, CHIEF
JUSTICES AND JUSTICES OF THE COMMON PLEAS, CHIEF
BARONS AND BARONS OF THE EXCHEQUER, AND OTHER
JUDGES APPOINTED TO THE JUDICIAL BENCH IN IRELAND
FROM THE ENACTMENT OF THE UNION IN THE REIGN OF
GEORGE III TO THE DISSOLUTION OF THE UNION IN
THE REIGN OF GEORGE V, 1800-1921.

CHANCELLORS

1802. John Mitford, baron.
1806. George Ponsonby.
1807. Thomas Manners Sutton, baron.
1827. Anthony Hart, knight.
1830. William Conyngham Plunket, baron.
1834. Edward Burtenshaw Sugden, knight.
1835. William Conyngham Plunket, baron.
1841. John Campbell, baron.
1841. Edward Burtenshaw Sugden, knight.
1846. Maziere Brady.
1852. Francis Blackburne.
1852. Maziere Brady.
1858. Joseph Napier.
1859. Maziere Brady.
1866. Francis Blackburne.
1867. Abraham Brewster.
1868. Thomas O'Hagan, baron.
1874. *Commissioners*—Joseph Napier, baronet ;
James Anthony Lawson and William
Brooke.
1875. John Thomas Ball.
1880. Thomas O'Hagan, baron.

- 1881. Hugh Law.
- 1883. Edward Sullivan, baronet.
- 1885. John Naish.
- 1885. Edward Gibson, baron.
- 1886. John Naish.
- 1886. Edward Gibson, baron.
- 1892. Samuel Walker.
- 1895. Edward Gibson, baron.
- 1905. Samuel Walker, baronet.
- 1911. Redmond John Barry.
- 1913. Ignatius John O'Brien, baronet.
- 1918. James Henry Mussen Campbell, baronet.
- 1921. John Ross, baronet.

MASTERS OF THE ROLLS

- 1801. Michael Smith, baronet.
- 1806. John Philpot Curran.
- 1814. William MacMahon, baronet.
- 1837. Michael O'Loughlen, baronet.
- 1842. Francis Blackburne.
- 1846. Thomas Berry Cusack Smith.
- 1866. John Edward Walsh.
- 1870. Edward Sullivan, baronet.
- 1883. Andrew Marshall Porter, baronet.
- 1906. Richard Edmund Meredith.
- 1912. Charles Andrew O'Connor.

VICE-CHANCELLOR

- 1867. Hedges Eyre Chatterton.

LORD JUSTICES OF APPEAL

- 1856. Francis Blackburne.
- 1866. Abraham Brewster.
- 1867. Jonathan Christian.
- 1878. Rickard Deasy.
- 1878. Gerald Fitzgibbon.
- 1883. Charles Robert Barry.
- 1897. Hugh Holmes.
- 1909. Richard Robert Cherry.
- 1914. John Francis Moriarty.
- 1915. Stephen Ronan.
- 1915. Thomas Francis Molony.
- 1918. James O'Connor.

JUSTICES OF THE CHANCERY DIVISION

- 1878. Stephen Woulfe Flanagan.
- 1878. Henry Ormsby.
- 1885. John Monroe.
- 1896. John Ross, baronet.
- 1904. Dunbar Plunket Barton.
- 1918. James O'Connor.
- 1918. John Blake Powell.

JUDGE OF THE PROBATE DIVISION

- 1878. Robert Richard Warren.

CHIEF JUSTICES OF THE KING'S OR QUEEN'S
BENCH, OR OF IRELAND

- 1803. William Downes.
- 1822. Charles Kendal Bushe.
- 1841. Edward Pennefather.
- 1846. Francis Blackburne.
- 1852. Thomas Langlois Lefroy.
- 1866. James Whiteside.
- 1877. George Augustus Chichester May.
- 1887. Michael Morris, baronet.
- 1889. Peter O'Brien, baron.
- 1913. Richard Robert Cherry.
- 1916. James Henry Mussen Campbell, baronet.
- 1918. Thomas Francis Molony.

JUSTICES OF THE KING'S OR QUEEN'S BENCH

- 1802. Charles Osborne.
- 1803. St. George Daly.
- 1817. Edward Mayne.
- 1818. Richard Jebb.
- 1820. Charles Burton.
- 1822. Thomas Burton Vandeleur.
- 1834. Philip Cecil Crampton.
- 1835. Louis Perrin.
- 1847. Richard Moore.
- 1858. James O'Brien.
- 1859. Edmund Hayes.
- 1861. John David Fitzgerald.
- 1866. John George.

- 1872. Charles Robert Barry.
- 1882. James Anthony Lawson.
- 1883. William Moore Johnson.
- 1883. William O'Brien.
- 1888. Michael Harrison.
- 1888. James Murphy.
- 1888. Hugh Holmes.
- 1888. John George Gibson.
- 1892. Dodgson Hamilton Madden.
- 1897. William Drennan Andrews.
- 1897. James Murphy.
- 1897. Walter Boyd.
- 1897. William Kenny.
- 1900. Dunbar Plunket Barton.
- 1901. George Wright.
- 1907. William Huston Dodd.
- 1913. Thomas Francis Molony.
- 1915. Jonathan Ernest Pim.
- 1916. John Gordon.
- 1917. William Moore.
- 1919. Arthur Warren Samuels.

CHIEF JUSTICES OF THE COMMON PLEAS

- 1800. John Toler, baron.
- 1827. William Conyngham Plunket, baron.
- 1830. John Doherty.
- 1850. James Henry Monahan.
- 1876. Michael Morris, baronet.

JUSTICES OF THE COMMON PLEAS

- 1800. Luke Fox.
- 1801. Robert Johnson.
- 1806. Edward Mayne.
- 1806. William Fletcher.
- 1816. Arthur Moore.
- 1817. William Johnson.
- 1823. Robert Torrens.
- 1839. Nicholas Ball.
- 1841. John Leslie Foster.
- 1842. Joseph Devonsher Jackson.

- 1856. William Nicholas Keogh.
- 1858. Jonathan Christian.
- 1865. Thomas O'Hagan.
- 1867. Michael Morris.
- 1868. James Anthony Lawson.
- 1878. Michael Harrison.
- 1882. William O'Brien.
- 1883. James Murphy.
- 1887. Hugh Holmes.

CHIEF BARONS OF THE EXCHEQUER

- 1805. Standish O'Grady.
- 1831. Henry Joy.
- 1838. Stephen Woulfe.
- 1840. Maziere Brady.
- 1846. David Richard Pigot.
- 1874. Christopher Palles.

BARONS OF THE EXCHEQUER

- 1801. St. George Daly.
- 1801. William Cusac Smith, baronet.
- 1803. James McClelland.
- 1821. Richard Pennefather.
- 1830. John Leslie Foster.
- 1836. Michael O'Loghlen.
- 1837. John Richards.
- 1841. Thomas Langlois Lefroy.
- 1852. Richard Wilson Greene.
- 1859. Francis Alexander Fitzgerald.
- 1859. Henry George Hughes.
- 1861. Rickard Deasy.
- 1872. Richard Dowse.
- 1882. William Drennan Andrews.
- 1892. James Murphy.

CATALOGUE

OF THE

CHANCELLORS, MASTERS OF THE ROLLS, CHIEF JUSTICES AND JUSTICES OF THE KING'S OR QUEEN'S BENCH, CHIEF JUSTICES AND JUSTICES OF THE COMMON PLEAS, CHIEF BARONS AND BARONS OF THE EXCHEQUER AND OTHER JUDGES APPOINTED TO THE JUDICIAL BENCH OF IRELAND FROM THE ENACTMENT OF THE UNION IN THE REIGN OF GEORGE III TO THE DISSOLUTION OF THE UNION IN THE REIGN OF GEORGE V, 1800-1921.

1800 **Luke Fox ;**

was fifth son of Michael Fox of Tully in co. Leitrim ; was born there about 1757 ; matriculated in Dublin University 1773 ; appears as a scholar 1777 ; graduated as bachelor of arts 1779 ; entered Lincoln's Inn 1781 ; was called to the Irish bar 1784 ; went the north-west circuit ; joined the whig club 1789 ; married at Rathfarnham Castle, Anne, daughter of Richard Annesley of New Ross and niece of the first Marquess of Ely, 1790 ; was elected member for Fethard 1793 ; became a king's counsel 1795 ; was elected member for Clonmines 1797 and for Mullingar 1799 ; voted for the Union ; became a justice of the Common Pleas 1800 ; criticized the government and acted in an arbitrary manner on the north-west circuit in the summer of 1803 ; was arraigned for his conduct in the house of lords 1804-6 ; resigned 1816 ; resided in Dublin in Harcourt-street and near Dublin at Trimleston ; died suddenly at Harrogate 1819 ; left issue.

1800 **John Toler, Lord Norbury ;**

was second son of Daniel Toler of Beechwood in co. Tipperary and Letitia, daughter of Thomas Otway of Castle Otway in that co. ; was born there 1739 ; appears at school

in Kilkenny; matriculated in Dublin University 1756; graduated as bachelor of arts 1761; entered Lincoln's Inn same year; proceeded master of arts 1766; was called to the Irish bar 1770; became member for Tralee 1776; married Grace, daughter of Hector Graham, secondary of the Common Pleas, 1778; became a king's counsel and chairman of quarter sessions in co. Dublin 1781; was elected member for Philipstown 1783; became third serjeant 1784, second serjeant 1787 and solicitor-general 1789; was elected member for Gorey 1790, 1797; obtained a peerage for his wife as Baroness Norwood of Knockalton in co. Tipperary in latter year; became attorney-general 1798; prosecuted the participants in the rebellion same year; was appointed chief justice of the Common Pleas, and created a peer as Baron Norbury of Ballycrenede in co. Tipperary 1800; presided at the trials in Dublin of the participants in Emmet's rebellion 1803; lost his wife 1822; retired from the bench 1827; was advanced then in the peerage as Viscount Glandine of Glandine in King's co. and Earl of Norbury; resided in Dublin in Gardiner's-row, near Dublin at Cabragh, and in co. Tipperary at Graig near Nenagh; died 1831; was buried in Dublin in St. Mary's churchyard; fought duels; left issue including his successor in the peerage.—[Dict. Nat. Biog.; Sheil (Sketches).]

1801 St. George Daly;

was fifth son of James Daly of Dunsandle in co. Galway and Catherine, daughter of Sir Ralph Gore, baronet, speaker of the house of commons, and sister of Ralph, Earl of Ross; was born about 1757; matriculated in Dublin University 1773; graduated as bachelor of arts 1778; entered Lincoln's Inn 1781; was called to the Irish bar 1783; became member for Galway 1797; was prominent in promoting the Union; became prime serjeant and a privy councillor 1799; was appointed a baron of the Exchequer 1801; acted as one of the judges in the trials at Dublin of the participants in Emmet's rebellion 1803; was transferred subsequently to the King's Bench; married his cousin, Louisa, daughter of Richard Gore, same year; was one of the judges in the trial of the King *v.* O'Grady 1816; lost his wife same year; tried Roger O'Connor at Trim, and

O'Connor's accuser for perjury in Dublin, and obtained an acquittal in both cases, 1817; resigned 1822; resided in Dublin in Rutland-square, and in co. Galway at Eyrecourt; died 1829.

1801 Robert Johnson;

was eldest son of Thomas Johnson of Dublin, apothecary; was born about 1745; entered the Inner Temple 1774; was called to the Irish bar 1776; married Susan, daughter of John Evans of Dublin, 1778; appears as sacristan in the order of the screw 1779; wrote as Causidicus attacks on Judge Robinson same year; was elected member for Hillsborough 1788, 1790; appears as recorder of Hillsborough, counsel to the linen board, barrack master of Dublin, and a king's counsel 1791; became counsel to the revenue; was re-elected member for Hillsborough 1797; supported the Union; became member for Philipstown 1800; was appointed a justice of the Common Pleas 1801; wrote as Juverna attacks on the Irish government 1803; was apprehended on a charge of libel under a warrant from the chief justice of England early in 1805; resisted unsuccessfully in the three Irish courts trial in England; was tried and found guilty in the English King's Bench in the autumn; was allowed to resign 1806; resided in Dublin successively in York-street and Gardiner's-street, near Dublin at Milltown and in Queen's county at Derries; died 1833.

1801 William Cusac Smith, baronet;

was eldest son of Sir Michael Smith and Maryanne Cusack; was born 1766; appears at school in Dublin; matriculated in Dublin University 1781, and in Oxford University from Christ Church 1783; entered Lincoln's Inn 1784; graduated at Oxford as bachelor of arts 1786; married Hester, daughter of Thomas Berry of Eglish in King's co. 1787; was called to the Irish bar 1788; became M.R.I.A. 1790; proceeded at Dublin doctor of laws 1793; practised as a civilian; was elected member for Lanesborough 1794; became a king's counsel 1795; was elected member for Donegal 1797; wrote and spoke in support of the Union; took his mother's name before his patronymic 1800; became solicitor-general at close of that year; asked as justice of assize with his father in the spring of 1801; became a baron

of the Exchequer at close of that year; was elected, on proposal of Lord Redesdale, F.R.S. 1805; succeeded to baronetcy 1808; tried *cause célèbre* between Bartholomew M'Garahan and the Rev. Thomas Maguire and obtained the defendant's acquittal 1827; lost his wife 1832; delivered charges aimed at the repealers 1833; was the subject of two debates in the house of commons 1834; resided in Dublin successively in Hume-street and in Merrion-square, near Dublin at Rathfarnham, and in the King's county at Newtown; died at Rathfarnham 1836; left issue including a son who succeeded to the baronetcy and a son who became master of the rolls; published under the pseudonyms of a Yeoman, E. Barton, Warner Christian Search, and Paul Puck Peeradeal, numerous opuscles, political, metaphysical, and poetical. [Dict. Nat. Biog.; Wills's Irish Nation; Whiteside (Sketches and *Dubl. Univ. Mag.*, 1833); Irish Barrister (*Metropolitan Mag.*) 1838; Maddyn (Ireland and its Rulers).]

1802 John Mitford, Lord Redesdale;

was younger son of John Mitford of Boldre in Hampshire, and Philadelphia, daughter of Willey Reveley of Newby Wisk in Yorkshire; was born in London 1748; was educated at Cheam; was sometime in the six-clerks' office; entered the Inner Temple 1772; was called to the bar there 1777; entered Lincoln's Inn 1779; published "A Treatise on the Pleadings in Suits in the Court of Chancery by English Bill" 1780; was elected member for Beeralston 1788; became second justice of the Carmarthen circuit 1789; appears as a king's counsel and bencher of the Inner Temple; was re-elected for Beeralston 1790; became solicitor-general 1793; received knighthood; became F.S.A. and F.R.S. 1794; was re-elected for Beeralston 1795; acted as reader in the Inner Temple same year and as treasurer 1796; became attorney-general 1799; was elected member for East Looe same year; became speaker of the house of commons 1801; was admitted then to the English privy council; went to Ireland as chancellor and became an Irish privy councillor 1802; was created then a peer as Baron Redesdale of Redesdale in co. Northumberland; married Lady Frances Perceval, daughter of John, second Earl of Egmont, 1803; became vice-chancellor of

Dublin University same year; resided in Dublin in Ely-place and near Dublin at Kilmacud; resigned office of chancellor and also that of vice-chancellor of Dublin University 1806; returned to England; became a member of the board of trade 1808; took name of Freeman before his patronymic on succeeding to the Batsford estate, which had been owned in the reign of Queen Anne by Chancellor Freeman, 1809; lost his wife 1817; died at Batsford-park 1830; was buried at Batsford; left issue including his successor in the peerage; wrote on catholic emancipation and other political questions. [Diet. Nat. Biog.]

1802 Charles Osborne ;

was fifth son of Sir William Osborne, baronet, and Elizabeth, eldest daughter of Thomas Christmas of Whitfield in co. Waterford; was born about 1759; appears at school in Drogheda; matriculated in Dublin University 1776; graduated as bachelor of arts 1780; entered Lincoln's Inn same year; was called to the Irish bar 1788; became a commissioner of revenue appeals 1789; was elected member for Carysfort 1790; married his cousin Alicia, daughter of Thomas Christmas member for Waterford, 1793; was re-elected member for Carysfort 1797; became counsel to the revenue 1798; appears as a king's counsel; voted for the Union; was appointed a justice of the King's Bench 1802; went to Ulster to try participants in Emmet's rebellion 1803; was in that connection libelled by Judge Johnson; was one of the judges in the trial of the King v. O'Grady 1816; resided in Dublin successively in Mountjoy-square and in Temple-street, and near Dublin at Malahide; died in Dublin of typhus fever 1817; was buried there in Little St. George's graveyard; left issue.

1803 James McClelland ;

was eldest son of James McClelland of Millmount in co. Down; was born about 1768; matriculated as a fellow-commoner in Dublin University 1783; graduated as bachelor of arts 1787; entered the Middle Temple same year; was called to the Irish bar 1790; married Charlotte, daughter of Acheson Thompson of Annagasson in co. Louth, 1797; became member for Randalstown 1798; supported the Union; was appointed solicitor-general 1801; became a

baron of the Exchequer 1803 ; was the subject of several debates in the house of commons 1819 ; resided in Dublin successively in Temple-street and in Gardiner's-place, and in co. Louth at Annaverna ; resigned 1830 ; died at Annaverna 1831 ; was buried in Ballymascanlon church-yard.

1805 Standish O'Grady ;

was eldest son of Darby O'Grady of Mount Prospect in co. Limerick and Mary, daughter of James Smyth of Limerick ; was born at Limerick 1766 ; matriculated as a fellow-commoner in Dublin University 1780 ; entered the Middle Temple 1783 ; graduated as bachelor of arts 1784 ; was called to the Irish bar 1787 ; married Katherine, second daughter of Thomas Waller of Castletown in co. Limerick, 1790 ; appears as a king's counsel 1797 ; became attorney-general and a privy councillor 1803 ; prosecuted the participants in Emmet's rebellion same year ; was appointed chief baron of the Exchequer 1805 ; contested with the crown the right of appointment to the clerkship of the pleas in the Exchequer 1816 ; resigned 1831 ; was created then Baron O'Grady of Rockbarton in co. Limerick and Viscount Guillamore of Cahir Guillamore in same co. ; resided in Dublin successively in Baggot-street and in St. Stephen's-green, and in co. Limerick at Rockbarton ; died at Rockbarton 1840 ; was buried at Aney ; left issue including his successor in the peerage. [Dict. Nat. Biog. ; Wills's Irish Nation ; Whiteside (Sketches).]

1806 Edward Mayne ;

was eldest son of Charles Mayne of Fream-mount in co. Cavan, and Dorothea, daughter of Edward Mayne of Ledborough in co. Fermanagh ; matriculated in Dublin University 1772 ; appears as a scholar 1775 ; graduated as bachelor of arts 1777 ; entered the Middle Temple 1779 ; was called to the Irish bar 1781 ; married Sarah, daughter of John Fiddes ; was appointed a justice of the Common Pleas 1806 ; became a justice of the King's Bench 1817 ; resigned 1820 ; resided in Dublin successively in Dawson-street and in St. Stephen's-green, and near Dublin at Churchtown ; appears after his retirement at Paris, Clifton, and Cashel ; died 1829 ; left issue.

1806 George Ponsonby ;

was second surviving son of John Ponsonby of Bishops-court in co. Kildare, speaker of the Irish house of commons, and Lady Elizabeth Cavendish, daughter of William, third Duke of Devonshire, and was brother of William, first Lord Ponsonby ; was born 1755 ; appears at Trinity College, Cambridge 1776 ; entered Lincoln's Inn same year ; became member for Wicklow 1778 ; appears as a monk of the screw 1779 ; was called to the Irish bar 1780 ; married Lady Mary Butler, eldest daughter of Brinsley, second Earl of Lanesborough ; became member for Innistioge 1783 ; was appointed counsel to the revenue same year ; appears as a king's counsel 1789 ; was re-elected for Innistioge 1790 ; became member for Galway, 1797 ; defended Henry Sheares and Oliver Bond 1798 ; opposed the Union ; was elected for co. Wicklow 1801, 1802 ; became prominent in the imperial parliament ; was appointed chancellor of Ireland and became a privy councillor of England and Ireland 1806 ; retired 1807 ; resided in Dublin successively in Temple-street and in Ely-place, and near Dublin at Johnville ; became member for Tavistock 1808 ; acted as leader of the opposition in the house of commons ; became member for Peterborough 1812 and for co. Wicklow 1816 ; died of apoplexy 1817 ; left no issue. [Dict. Nat. Biog. ; Wills's Irish Nation.]

1806 John Philpot Curran ;

was eldest son of James Curran of Newmarket in co. Cork, and Sarah Philpot ; was born 1750 ; appears at school in Midleton ; matriculated as a sizar in Dublin University 1767 ; appears as a scholar 1770 ; graduated as a bachelor of arts 1771 ; entered the Middle Temple 1773 ; married Miss Creagh, the daughter of a physician at Newmarket, 1774 ; was called to the Irish bar 1775 ; became prior of the order of the screw 1779 ; appears as a king's counsel 1783 ; was elected member for Kilbeggan same year ; became M.R.I.A. 1787 ; was elected for Rathcormack 1790 ; instituted an action for criminal conversation with his wife and recovered damages 1795 ; gained an extraordinary reputation as an orator at the bar and in parliament ; became member for Banagher 1800 ; was appointed master of the rolls 1806 ; appeared as candidate for representation

of Newry, but retired, 1812; resigned his seat on the bench 1814; resided in Dublin in Ely-place, near Dublin at the Priory, and in co. Cork at Newmarket; went after his retirement to London; died in Amelia-place 1817; was buried first in Paddington church, afterwards in Glasnevin cemetery in Dublin; left issue; fought several duels. [Dict. Nat. Biog.]

1806 William Fletcher ;

was eldest son of George Fletcher of Dublin, physician, and Mary, eldest daughter of Stephen Meyler; was born 1750; matriculated in Dublin University 1765; appears as a scholar 1769; graduated as bachelor of arts 1770 and as bachelor of medicine 1774; entered the Middle Temple 1776; was called to the Irish bar 1778; married Sarah Whitley of Maryborough 1780; proceeded doctor of laws 1785; practised as a civilian; was elected member for Tralee 1795; became a king's counsel same year; was appointed a justice of the Common Pleas 1806; delivered a charge on current political questions, in county Wexford 1814; was the subject of a petition to the house of commons 1816; resided in Dublin successively in Cumberland-street and in Merrion-square, and near Dublin at Montrose; died at Montrose 1823; left issue.

1807 Thomas Manners-Sutton, Lord Manners ;

was fifth son of Lord George Manners-Sutton and Diana, daughter of Thomas Chaplin of Blankney in Lincolnshire, and was grandson of John, third Duke of Richmond and brother of Lord Charles Manners-Sutton, archbishop of Canterbury and father of the first Viscount Canterbury; was born 1756; appears at school in the Charterhouse; matriculated in Cambridge University from Emanuel College; entered Lincoln's Inn 1775; graduated as bachelor of arts, being fifth wrangler, 1777; proceeded master of arts 1780; was called to the bar in Lincoln's Inn same year; became a commissioner of bankrupts 1783; went the Carmarthen circuit; was elected member for Newark 1796; became chief justice on the Anglesea circuit and solicitor-general to the Prince of Wales same year; was sometime chancellor of the palatinate of Durham and deputy recorder of Durham; became a king's counsel and bencher of

Lincoln's Inn 1800; was appointed solicitor-general and knighted 1802; became again member for Newark same year; married Anne, daughter of Sir Joseph Copley, baronet, 1803; was appointed a baron of the Exchequer and became a serjeant 1805; went to Ireland as chancellor and became a privy councillor of England and Ireland 1807; was created then a peer of the United Kingdom as Baron Manners of Foston in Lincolnshire; lost his wife 1814; married as his second wife the Hon. Jane Butler, daughter of James, ninth Lord Caher and sister of Richard, first Earl of Glengall, 1815; became vice-chancellor of Dublin University and was given degree of doctor of laws *honoris causa* 1826; resided in Dublin in St. Stephen's-green; resigned the chancellorship and vice-chancellorship of the University 1827; returned to London; resided in Brook-street; died there 1842; left issue including his successor in the peerage. [Dict. Nat. Biog.; Foss's Judges; Sheil (Sketches and New Monthly Mag. 1828).]

1814 William MacMahon, baronet;

was second son of John MacMahon, comptroller of the port of Limerick, and Mary, daughter of James Stackpoole of Cork; was born 1776; matriculated in Dublin University 1791; appears as a scholar 1794; graduated as bachelor of arts 1796; entered Gray's Inn same year; proceeded master of arts 1799; was called to the Irish bar same year; became third serjeant 1806; married Frances, daughter of Beresford Burston, a king's counsel, 1807; became second serjeant 1813; lost his wife same year; was appointed master of the rolls 1814; married as his second wife, Charlotte, daughter of Robert Shaw of Dublin, same year; was created a baronet 1815; resided in Dublin successively in Merrion-street and in St. Stephen's-green, and near Dublin at Fortfield; died 1837; was buried at Rathfarnham; left issue including his successor in the baronetcy. [Dict. Nat. Biog.]

1816 Arthur Moore;

was second son of Louis Moore of Prospect in Queen's co.; was born about 1764; matriculated in Dublin University 1781; graduated as a bachelor of arts 1785; entered the Middle Temple 1786; was called to the Irish bar 1788; married Frances, youngest daughter of George Stoney of

Greyfoot in co. Tipperary ; was elected member for Tralee 1797 ; appears as a king's counsel 1798, spoke against the Union ; was re-elected for Tralee 1801 ; became third serjeant same year and first serjeant 1805 ; appears as chairman of quarter sessions in co. Dublin 1816 ; was appointed a justice of the Common Pleas same year ; resided in Dublin successively in George's-street and in Henrietta-street, and in the Queen's co. at Lamberton-park ; resigned 1839 ; was made then a privy councillor ; died at Lamberton-park 1846 ; left issue.

1817 William Johnson ;

was fifth son of Thomas Johnson of Dublin, apothecary, and brother of Mr. Justice Robert Johnson ; was born 1760 ; matriculated in Dublin University 1774 ; graduated as bachelor of arts 1780 ; entered Lincoln's Inn 1782 ; graduated as bachelor of laws 1784 ; was called to the Irish bar 1785 ; became M.R.I.A. 1790 ; married Margaret, youngest daughter of John Evans of Dublin, 1796 ; became member for Roscommon 1799 ; wrote and spoke for the Union ; proceeded doctor of laws 1801 ; became a king's counsel 1808, third serjeant 1813, second serjeant 1814, and first serjeant 1816 ; was appointed a justice of the Common Pleas 1817 ; resided in Dublin successively in York-street and in Harcourt-street ; resigned 1841 ; died at Kingstown 1845 ; left issue.

1818 Richard Jebb ;

was eldest son of John Jebb of Leixlip in co. Kildare, and Alice Forster, and was brother of John Jebb, bishop of Limerick ; was born at Drogheda 1766 ; appears at school there ; matriculated in Dublin University 1781 ; appears as a scholar 1784 ; graduated as bachelor of arts 1786 ; entered Lincoln's Inn same year ; became bachelor of laws 1789 ; was called to the Irish bar same year ; wrote against the Union ; married Jane Louisa, daughter of John Finlay of Corkagh, member for co. Dublin, 1802 ; became a king's counsel 1806, third serjeant 1816, and second serjeant 1817 ; was appointed a justice of the King's Bench 1818 ; lost his wife 1823 ; resided in Dublin successively in Dominick-street and Rutland-square, and in co. Down at Rostrevor ; died at Rostrevor of cholera 1834 ; was buried there ; left issue. [Dict. Nat. Biog.]

1820 Charles Burton ;

was second son of Francis Burton of Aynho in Northamptonshire, and Anna, youngest daughter of James Singer of Barn Elms in Surrey ; was born 1760 ; entered the Middle Temple 1775 ; appears in New Inn as an attorney of the King's Bench 1787 ; entered Lincoln's Inn same year ; married Anna Andrews same year ; went to Ireland under the wing of Curran ; was called to the Irish bar 1792 ; became a king's counsel 1806 ; was counsel for the defendant in the cause of the King *v.* O'Grady 1816 ; made for his client a speech which was pronounced a masterpiece of legal eloquence ; became third serjeant 1817 and second serjeant 1818 ; was appointed a justice of the King's Bench 1820 ; lost his wife 1822 ; acted as one of the judges in the state trials of 1844 ; passed sentence on O'Connell ; resided in Dublin successively in Fitzwilliam-square and St. Stephen's-green, near Dublin at Mount Anvile, and in co. Galway at Eyrecourt ; died in St. Stephen's-green 1847 ; was buried in Dublin in St. Peter's Church ; left an only daughter who married John Beatty West, sometime member for Dublin. [Whiteside (Sketches) ; Irish Barrister (Metropolitan Mag. 1841).]

1821 Richard Pennefather ;

was eldest son of William Pennefather of Darling-hill in co. Tipperary, member for Cashel, and Ellen, eldest daughter of the Venerable Edward Moore, archdeacon of Emly ; was born 1773 ; appears at school in Portarlinton and in Clonmel ; matriculated in Dublin University 1779 ; entered the Middle Temple 1792 ; graduated as bachelor of arts 1794 ; was called to the Irish bar 1795 ; married Jane, daughter of Mr. Justice Bennett, 1798 ; appears as a king's counsel 1816 ; was appointed a baron of the Exchequer 1821 ; acted on a special commission for the trial of the Doneraile conspirators 1829 ; resided in Dublin in Merrion-square and in co. Tipperary at Kilteran ; retired from the bench after thirty-eight years' service as a judge 1859 ; died at Kilteran same year ; was buried at Caher ; left issue including the Rev. William Pennefather, who was known as a mission preacher and hymn-writer. [Dict. Nat. Biog. ; Wills's Irish Nation ; Whiteside (Sketches) ; Dublin Univ. Mag. 1859.]

1822 **Charles Kendal Bushe ;**

was the only son of the Rev. Thomas Bushe, rector of Mitchelstown, and Katherine, daughter of Charles Doyle of Bramblestown in co. Kilkenny ; was born at Kilmurry, the seat of his family in that co. 1767 ; appears at school in Dublin ; matriculated in Dublin University 1782 ; became a scholar 1785 ; entered Lincoln's Inn 1786 ; graduated as bachelor of arts with a gold medal 1787 ; undertook responsibility for debts due by his father 1788 ; was called to the Irish bar 1790 ; proceeded master of arts 1791 ; married Anne, daughter of John Crampton of Dublin and sister of Sir Philip Crampton, baronet, surgeon-general in Ireland, 1793 ; became member for Callan, 1797 ; proceeded doctor of laws same year ; was re-elected for Callan 1797 ; resigned his seat for Callan in the opening weeks of 1799 ; published a pamphlet against the Union, entitled " Cease your funning, or the rebel detected " ; was elected member for Donegal 1800 ; spoke and voted against the Union ; became third serjeant 1805 ; was appointed solicitor-general same year ; acted as one of the counsel for the crown in the prosecution of the Threshers 1806 ; was an advocate of catholic emancipation ; took part notwithstanding in the prosecution of members of the Catholic Committee 1811 ; defended himself afterwards from a charge of inconsistency ; appeared for the crown in the cause of the King *v.* O'Grady 1816 ; exhibited in his speeches, no less legal knowledge than forensic eloquence ; resigned the office of solicitor-general after a tenure of seventeen years 1822 ; was appointed then chief justice of the King's Bench ; resided in Dublin successively in Baggot-street, in Ely-place, and in Mount-street, and in co. Kilkenny at Kilmurry which had been sold and re-purchased by him ; retired from the bench 1841 ; died near Dublin at Furrypark 1843 ; was buried at Dublin in Mount Jerome Cemetery ; left issue ; became, through one of his daughters, who married John, fourth Lord Plunket, maternal grandfather of William, fifth Lord Plunket, archbishop of Dublin, and David, Lord Rathmore. [Dict. Nat. Biog. ; Wills's Irish Nation ; Sheil (Sketches) ; Whiteside (Dublin Univ. Mag. 1833) ; Irish Barrister (Metropolitan Mag. 1841) ; Maddyn (Ireland and its Rulers) ; Dublin Univ. Mag. 1841 ; Irish Quarterly Review 1853.]

1822 Thomas Burton Vandeleur ;

was second son of Crofton Vandeleur of Kilrush in co. Clare, and Alice, daughter of Thomas Burton; was born about 1767; matriculated in Dublin University 1783; entered Lincoln's Inn 1785; graduated as bachelor of arts 1787; was called to the Irish bar 1790; appears as a king's counsel 1816; was counsel to the Post Office 1817; became a justice of the King's Bench 1822; proceeded doctor of laws 1832; resided in Dublin successively in Gloucester-street and Rutland-square, and near Dublin at Raheny; died at Raheny 1835; was buried in Dublin in St. Mary's church.

1823 Robert Torrens ;

was third son of Rev. Thomas Torrens of Londonderry, who was of Swedish descent, and Elizabeth, daughter of Samuel Curry, also of Londonderry, and was brother of Sir Henry Torrens, the friend of the Duke of Wellington and Duke of York; was born 1775; matriculated in Dublin University 1791; appears as a scholar 1793; graduated as bachelor of arts 1795; entered the Middle Temple 1796; was called to the Irish bar 1798; married Anne Torrens of Londonderry 1809; appears as a king's counsel, chairman of quarter sessions in co. Dublin, and counsel to the barrack board 1817; became third serjeant 1822; acted in the south of Ireland as chairman of sessions under the Insurrection Act 1823; was appointed a justice of the Common Pleas same year; acted on a special commission for the trial of the Doneraile conspirators 1829; resided in Dublin successively in Mountjoy-square and Grenville-street, and in co. Londonderry at Derrynoid-lodge; died at Derrynoid-lodge 1856; left issue, including Henrietta, who married William, Lord O'Neill.

1827 William Conyngham Plunket, Lord Plunket ;

was fourth son of the Rev. Thomas Plunket, a minister in the Presbyterian church, and Mary Conyngham; was born in Enniskillen 1764; appears at school in Dublin; matriculated in Dublin University 1779; became a scholar 1784; graduated as a bachelor of arts 1784; entered Lincoln's Inn same year; studied law in London and in Dublin; graduated as a bachelor of laws 1787; was called to the Irish bar same year; went the north-west circuit; married

Catherine, daughter of John McCausland of Strabane, 1791 ; became a king's counsel 1797 ; was elected member for Charlemont same year ; joined the opposition ; supported the government, however, as a soldier, and in parliament during the rebellion of 1798 ; acted as one of the counsel for the brothers Sheares on their trial for high treason later in that year ; made an eloquent speech against the Union on the opening of the session of 1799 ; proceeded doctor of laws same year ; made another speech remarkable for its eloquence against the Union on the opening of the session in 1800 ; appeared as one of the counsel for the crown in the trials of the participants in Emmet's rebellion 1803 ; addressed the jury in Emmet's trial ; became solicitor-general a month later ; was elected a bencher in 1804 ; recovered damages for a libel in connexion with his appearance against Emmet same year ; became attorney-general and a privy councillor 1805 ; appeared for the crown in the prosecution of the Threshers 1806 ; became member for Midhurst in the whig interest early in 1807 ; made subsequently a striking speech in favour of catholic emancipation ; retired from the office of attorney-general and representation of Midhurst on the fall of the ministry a month later ; practised in equity ; was elected member for Dublin University 1812 ; made a speech of extraordinary eloquence and power in favour of catholic emancipation 1813 ; acted with the section of the whig party led by Lord Grenville ; supported the tory ministry in the conduct of the war with France 1815 ; appeared as leading counsel for the defendant in the cause of the King *v.* O'Grady 1816 ; was re-elected member for Dublin University, but by a majority of only four votes 1818 ; supported the tory ministry in regard to the suppression of the Peterloo meeting 1819 ; made another speech of extraordinary eloquence and power in favour of catholic emancipation 1821 ; lost his wife a few weeks later ; joined the tory ministry and became again attorney-general 1822 ; prosecuted the participants in a riot in the Dublin theatre, known as the bottle-riot, 1823 ; was criticized for the procedure adopted by him and failed to obtain a conviction ; entertained Sir Walter Scott, during Scott's visit to Ireland 1825 ; was appointed, on the formation of Canning's ministry, master of the rolls in England ; received also a

peerage as Baron Plunket of Newton in co. Cork ; resigned his seat on the English bench, owing to the disfavour with which his appointment was received by the English bar, a few days later ; was appointed chief justice of the Common Pleas in Ireland that summer ; made another great speech in favour of catholic emancipation on the passing of the act of relief in the house of lords 1829 ; became chancellor at the close of 1830 ; retired on the fall of the reform ministry at the close of 1834 ; was re-appointed on the return of his party to power early in 1835 ; obtained for his eldest son, who was in holy orders, the bishopric of Tuam 1839 ; retired from the bench 1841 ; travelled on the continent and visited Rome ; returned to Ireland and spent the remaining years of his life in retirement ; resided in Dublin successively in Merrion-square and in St. Stephen's-green, and near Dublin at Old Connaught ; died in his ninetieth year 1854 ; was buried at Dublin in Mount Jerome Cemetery ; left issue including his two successors in the peerage. [Life by his Grandson, Lord Rathmore ; Dict. Nat. Biog. ; Curran (Sketches) ; Whiteside (Sketches) ; Dublin Univ. Mag. 1840 ; Irish Barrister (Metropolitan Mag. 1841).]

1827 Anthony Hart, knight ;

was youngest son of William Hart of the Island of St. Kitts in the West Indies ; was born there 1754 ; appears in Tonbridge School ; was sometime a Unitarian minister ; entered the Middle Temple 1776 ; was called to the bar there 1781 ; practised in equity ; married Martha Jefferson ; became a king's counsel 1807 ; was called in the Middle Temple to the bench ; acted as reader 1809 ; became solicitor-general to Queen Charlotte in 1816 ; acted as treasurer of the Middle Temple 1817 ; was appointed vice-chancellor in England 1827 ; received then knighthood ; went to Ireland as chancellor later in that year ; retired and returned to London 1830 ; resided in Dublin in Merrion-street, and in London in Cumberland-place ; died in Cumberland-place 1831 ; is said to have left an only daughter. [Dict. Nat. Biog. ; Foss's Judges.]

1830 John Leslie Foster ;

was eldest son of the Right Rev. William Foster, bishop of Clogher, and Catherine, daughter of the Rev. Henry Leslie,

prebendary of Armagh, and was grandson of Chief Baron Foster; was born about 1781; matriculated in Dublin University 1797; graduated as bachelor of arts with a gold medal 1800; entered Lincoln's Inn same year; was called to the Irish bar 1803; published an "Essay on the Principles of Commercial Exchange, particularly between England and Ireland" 1804; graduated as bachelor of laws 1805; appears as M.R.I.A. 1806; contested the representation of Dublin University unsuccessfully same year; was returned 1807; sat as a tory; proceeded doctor of laws 1810; made a speech against catholic emancipation in the house of commons 1812; failed to secure re-election same year; married the Hon. Letitia Fitzgerald, daughter of the Right Hon. James Fitzgerald, and sister of Lord Fitzgerald and Vesey, 1814; was serving as a commissioner for improving bogs, for widening streets, for directing education, and inquiring into judicial fees 1816; became then a king's counsel and king's advocate; was returned to the house of commons as member for Yarmouth in Isle of Wight same year; made another speech against catholic emancipation 1817; was returned as member for Armagh and Lisburn and elected to sit for Armagh 1818; became counsel to the board of revenue same year; appears as F.R.S. 1819; was returned as member for co. Louth 1820, 1826; voted for catholic emancipation 1829; became a baron of the Exchequer 1830; was transferred to the Common Pleas 1841; resided in Dublin successively in Mountjoy-square and in Merrion-square, and in co. Louth at Rathescar; died, while holding the summer assizes at Cavan 1842; left issue. [Dict. Nat. Biog.; Sheil (Sketches); Irish Barrister (Metropolitan Mag. 1842).]

1830 **John Doherty** ;

was second son of John Doherty of Aungier-street in Dublin, attorney, and Margaret, daughter of David Verner; was born 1785; appears at Chester School; matriculated in Dublin University 1801; entered the Middle Temple 1805; graduated as bachelor of arts 1806; was called to the Irish bar 1808; went the Leinster circuit; proceeded doctor of laws 1814; appears on commission of enquiry as to judicial fees 1821; married Elizabeth Lucy, second daughter of Charles William Wall of Coolnamuck-court in co. Waterford

1822; became a king's counsel 1823; was returned as member for New Ross 1824, and for Kilkenny 1826; became solicitor-general 1827; prosecuted the Doneraile conspirators 1829; was attacked by O'Connell in the house of commons for his conduct in connection with this prosecution and defended himself with triumphant success 1830; returned as member for Newport subsequently; became chief justice of the Common Pleas at close of that year; is said to have been asked to resume political life, but declined to do so 1834; lost money in railway speculations 1845; was one of the judges in the state trials of 1848; resided in Dublin successively in St. Stephen's-green and Ely-place, and near Dublin at Seamount, now St. Helens; died at Beaumaris 1850; was buried in Dublin in St. Kevin's churchyard; left issue; was interested in numismatics and collected coins and medals. [Curran (Sketches); Whiteside (Dubl. Univ. Mag. 1833); Maddyn (Ireland and its Rulers); Dubl. Univ. Mag. 1847.]

1831 **Henry Joy;**

was youngest son of Henry Joy of Belfast, owner of the Belfast Newsletter, and a daughter of George Dunbar of Dungannon; was born 1763; matriculated in Dublin University 1780; entered the Middle Temple 1783; was called to the Irish bar 1788; went the north-east circuit; practised principally in equity; signed a requisition for the bar-meeting to protest against the Union 1798; was afterwards allied with the tory party; became king's counsel 1808, third serjeant 1814, second serjeant 1816, and first serjeant 1817; was appointed solicitor-general 1822; became attorney-general 1827; was appointed chief baron of the Exchequer 1831; resided in Dublin in Temple-street and near Dublin at Woodtown; died 1838; was buried near Dublin in Monkstown church; was remarkable for his interest in arboriculture, ornithology, and entomology and owned a museum. [Sheil (Sketches); Whiteside (Dubl. Univ. Mag. 1833); Irish Barrister (Metropolitan Mag. 1838).]

1834 **Philip Cecil Crampton;**

was fourth son of the Rev. Cecil Crampton, rector of Headfort, and Nicola Mary, youngest daughter of the Rev. Jeremy Marsh; was born in Dublin 1783; matriculated in

Dublin University 1797 ; became a scholar 1800 ; graduated as bachelor of arts with a gold medal 1802 ; was elected a fellow of Trinity College 1807 ; proceeded master of arts same year ; entered Lincoln's Inn 1808 ; graduated as bachelor of laws 1809, and proceeded doctor of laws 1810 ; was called to the Irish bar in the latter year ; became in Dublin University professor of oratory 1813 and regius professor of English and feudal law 1816 ; resigned his fellowship in the latter year ; married Sidney Mary Browne 1817 ; appears as a king's counsel 1825 ; was in politics a whig ; became solicitor-general 1830 ; was returned as member for Saltash early in 1831 ; contested the representation of Dublin University unsuccessfully two months later ; was returned afterwards as member for Milbourne Port ; contested again the representation of Dublin University unsuccessfully 1832 ; was appointed a justice of the King's Bench 1834 ; lost his wife 1839 ; married secondly Margaret, daughter of John Duffy ; acted as one of the judges in the state trials of 1844 ; retired from the bench 1859 ; was made a privy councillor ; resided in Dublin successively in Merrion-square and in Kildare-place, and in co. Wicklow at St. Valerie ; died at St. Valerie 1862 ; was buried in Dublin in Mount Jerome Cemetery ; left an only son ; was remarkable as an advocate of total abstinence. [Irish Barrister (Metropolitan Mag. 1842).]

1834 Edward Burtenshaw Sugden, knight ;

was second son of Richard Sugden of London and Charlotte Burtenshaw ; was born 1781 ; entered Lincoln's Inn 1802 ; became a certificated conveyancer 1805 ; published a " Practical Treatise of the Law of Vendors and Purchasers of Estates " 1805 ; was called in Lincoln's Inn to the bar 1807 ; published a " Practical Treatise on Trusts " 1808 ; married Winifred, only child of John Knapp, same year ; became a king's counsel 1822 ; was called in Lincoln's Inn to the bench ; became member for Weymouth as a tory 1828 ; was appointed solicitor-general of England 1829 ; received knighthood ; was re-elected member for Weymouth 1830 ; retired from office as solicitor-general on the fall of the ministry same year ; became member for St. Mawes 1831 ; failed to obtain a seat in parliament 1832 ; was offered a seat in the English court of Exchequer same

year ; went to Ireland as chancellor at the close of 1834 ; retired on the fall of the ministry a few months later 1835 ; received from Cambridge University degree of doctor of laws *honoris causa* same year ; became member for Ripon 1837 ; returned to Ireland as chancellor 1841 ; retired on the fall of the ministry and returned to England 1846 ; resided while chancellor during term in Dublin in St. Stephen's-green and during vacation in England at Boyle-farm, Thames Ditton ; became chancellor of England 1852 ; was created then Baron St. Leonards of Slaugham in Sussex ; retired on the fall of the ministry same year ; received from Oxford University degree of doctor of civil law *honoris causa* same year ; acted subsequently as a judicial member of the house of lords and the privy council ; was high steward of Kingston-on-Thames ; lost his wife 1861 ; died at Boyle-farm 1875 ; left issue ; was succeeded in the peerage by his grandson ; published legal works. [Dict. Nat. Biog. ; Foss's Judges.]

1835 Louis Perrin ;

was eldest son of John Perrin, a teacher of the French language and author of numerous text-books ; was born at Waterford 1782 ; appears at Armagh school ; matriculated in Dublin University 1796 ; became a scholar 1799 ; graduated as bachelor of arts 1801 ; assisted in the defence of Emmet 1803 ; entered the Middle Temple 1804 ; was called to the Irish bar 1806 ; married Hester Connor, daughter of the Rev. Abraham Augustus Stewart 1815 ; became a king's counsel 1827 ; was returned in the reform interest as member for Dublin, but was unseated on petition 1831 ; became third serjeant 1832 ; was elected member for co. Monaghan same year, and for Cashel 1835 ; became first serjeant and subsequently attorney-general early in the latter year ; was appointed a justice of the King's Bench in the summer ; acted as one of the judges in the state trials of 1844 ; became M.R.I.A. 1847 ; resided in Dublin successively in Gardiner's-row and in Rutland-square, and near Dublin at Lusk ; retired from the bench 1860 ; died 1864 ; was buried at Lusk ; left issue. [Dict. Nat. Biog. ; Irish Barrister (Metropolitan Mag. 1838).]

1836 Michael O'Loghlen, baronet ;

was third son of Colman O'Loghlen of Port in co. Clare, and

Susannah, daughter of Michael Finucane, a physician of Ennis ; was born 1789 ; appears in Ennis school ; matriculated in Dublin University 1805 ; graduated as bachelor of arts 1809 ; entered the Middle Temple same year ; was called to the Irish bar 1811 ; went the Munster circuit ; married Bidelia, daughter of Daniel Kelly of Dublin, 1817 ; was in religion a Roman Catholic and in politics an emancipationist ; became a king's counsel, being one of the first Roman Catholics appointed, 1830, third serjeant 1831, and second serjeant 1832 ; contested as a liberal the representation of Dublin unsuccessfully in the last year ; became solicitor-general in the autumn of 1834 ; retired on the fall of the ministry at close of that year ; was returned as member for Dungarvan 1835 ; became again solicitor-general and subsequently attorney-general same year ; was appointed baron of the Exchequer, being the first Roman Catholic called to the bench after the passing of the emancipation act, at the close of 1836 ; was promoted to the office of master of the rolls two months later 1837 ; was created a baronet 1838 ; resided in Dublin successively in Rutland-street and Merrion-square ; died at Brighton 1842 ; was buried in co. Clare at Recan ; left issue including his successor in the baronetage. [Dict. Nat. Biog. ; Sheil (Sketches) ; Irish Barrister (Metropolitan Mag. 1838) ; Maddyn (Ireland and its Rulers).]

1837 John Richards ;

was second son of John Richards, a solicitor, of Dublin and Hermitage, co. Wexford, and Elizabeth, daughter of Oliver Fitzgerald of Dublin ; was born 1790 ; matriculated in Dublin University as a fellow-commoner 1806 ; entered Lincoln's Inn 1809 ; was called to the Irish bar 1811 ; married Catherine, second daughter of Henry Gonne Molony of Granahan in co. Clare, 1815 ; practised in equity ; became a king's counsel 1830 ; graduated bachelor of arts and proceeded master of arts 1832 ; married as his second wife Christiana, only daughter of Christopher James O'Brien, same year ; appears as a liberal in politics ; was appointed a judge in Madras 1835 ; resigned that office and became solicitor-general of Ireland same year ; was appointed attorney-general 1836 ; became a baron of the Exchequer 1837 ; was appointed chief commissioner under the Incum-

bered Estates Act 1849; retired from the bench 1859; resided in Dublin successively in Gloucester-street, in Merrion-street, and in Mount-street; near Dublin successively at Castle-park, Dalkey, and at Frankfort-castle, Dundrum; and in co. Clare at Sandfield-lodge; died at Frankfort-castle 1872; left issue. [Irish Barrister (Metropolitan Mag. 1838).]

1838 Stephen Woulfe ;

was second son of Stephen Woulfe of Tiermaclane in co. Clare, and Honora, daughter of Michael Macnamara of Dublin; was born in co. Clare 1789; appears at Ennis school; matriculated in Dublin University 1808; graduated as bachelor of arts 1812; entered the Middle Temple same year; was called to the Irish bar 1814; travelled abroad 1815; went the Munster circuit; suffered much from bad health; was in religion a Roman Catholic and in politics an emancipationist; published a tract on that question, entitled "A Letter to a Protestant on the Balance of Evils" 1819; married Frances, daughter of Roger Hamill of Dowth-hall in co. Meath; became counsel for the crown on the Munster circuit; was also appointed assistant-barrister for co. Galway 1829; resigned latter office owing to state of his health 1832; became a king's counsel 1833, and third serjeant 1855; was returned as member for Cashel in the liberal interest same year; became solicitor-general 1836, and attorney-general 1837; was re-elected for Cashel in the latter year; became chief baron of the Exchequer 1838; resided in Dublin successively in Fitzwilliam-street, in Mount-street, and in Ely-place; was unable to go circuit through illness; died at Baden-Baden 1840; left issue. [Diet. Nat. Biog.; Curran's Sketches; Metropolitan Mag., Parliamentary Portraits 1837; Maddyn (Ireland and its Rulers).]

1839 Nicholas Ball ;

was son of John Ball of Dublin, and Mabel Clare, daughter of Nicholas Bennett of Eyrecourt in co. Galway and Frankfort in King's co.; was born 1791; appears at school in Stonyhurst; matriculated in Dublin University as a fellow-commoner 1808; graduated as bachelor of arts 1812; entered Lincoln's Inn same year; was called to the Irish Bar 1814; travelled abroad and visited Rome 1815;

married Jane, daughter of Thomas Sherlock of Butterstown-castle in co. Waterford 1817 ; practised in equity ; was in religion a Roman Catholic and in politics an emancipationist ; became a king's counsel 1830 ; was returned as member for Clonmel in the liberal interest 1836 ; became third serjeant ; was re-elected for Clonmel 1837 ; became attorney-general 1838 ; was appointed a justice of the Common Pleas 1839 ; resided in Dublin successively in Mountjoy-square, in Eccles-street, and in St. Stephen's-green ; died at Bray 1865 ; was buried in Dublin in the Pro-cathedral, Marlborough-street ; left issue including John Ball, first president of the Alpine Club. [Dict. Nat. Biog.]

1840 Sir Maziere Brady ;

was second son of Francis Tempest Brady of Willow-park, Booterstown, in co. Dublin, and Charlotte, daughter of William Hodgson of Castledawson in co. Londonderry ; was born 1796 ; matriculated in Dublin University 1812 ; became a scholar 1814 ; graduated as bachelor of arts 1816 ; entered the Middle Temple same year ; was called to the Irish bar 1819 ; proceeded master of arts same year ; married Elizabeth Anne, daughter of Bever Buchanan of Dublin, 1823 ; appears in politics as a liberal ; acted on commission of enquiry as to Irish municipal corporations 1833 ; became a king's counsel 1835 ; was appointed solicitor-general 1837 ; became attorney-general 1838 ; was appointed chief baron of the Exchequer 1840 ; became chancellor 1846 ; was nominated vice-chancellor of the Queen's University 1850 ; retired on the fall of the ministry from office of chancellor, and became again chancellor 1852 ; retired again on the fall of the ministry 1858 ; lost his wife same year ; became for the third time chancellor 1859 ; married as his second wife, Mary, second daughter of the Right Hon. John Hatchell of Fortfield, Terenure, 1860 ; retired finally on the fall of the ministry 1866 ; was created a baronet 1869 ; resided in Dublin successively in Baggot-street, in Blessington-street, in Harcourt-street, and in Pembroke-street, and near Dublin at Hazlebrook, Terenure ; died in Pembroke-street 1871 ; was buried in Mount Jerome Cemetery ; left issue including his successor in the baronetage. [Dict. Nat. Biog. ; Wills's Irish Nation ; Irish Barrister (Metropolitan Mag. 1843).]

1841 John Campbell, Lord Campbell ;

was younger son of the Rev. George Campbell, minister of Cupar in co. Fife, and Magdalene, daughter of John Hollybarton of Fodderance ; was born near Cupar 1779 ; appears at school in Cupar ; entered the University of St. Andrews 1790 ; proceeded master of arts ; entered Lincoln's Inn 1800 ; was called there to the bar 1806 ; married the Honourable Mary Elizabeth Scarlett, eldest daughter of James Baron Abinger, 1821 ; practised in common law courts ; was a liberal in politics ; became a king's counsel and was elected a bencher of Lincoln's Inn 1827 ; became member for Stafford 1830 and was re-elected 1831 ; became solicitor-general 1832 ; received then knighthood ; was returned as member for Dudley same year ; became attorney-general 1834 ; was returned as member for Edinburgh same year ; retired on the fall of the ministry from office of attorney-general at the close of that year ; was re-elected member for Edinburgh 1835 ; became again attorney-general same year ; acted also as treasurer of Lincoln's Inn that year ; resigned office of attorney-general 1836 ; resumed office on creation of his wife as Baroness Strathedan of Cupar ; was re-elected member for Edinburgh 1837 ; went to Ireland as chancellor 1841 ; was created then Baron Campbell of St. Andrews and sworn a privy councillor both of Great Britain and Ireland ; retired on the fall of the ministry a few months later ; was in Dublin for only a few weeks ; resided while there in the Bilton-hotel ; began to publish " Lives of the Lord Chancellors of England " 1845 ; became chancellor of the Duchy of Lancaster 1846 ; began to publish " Lives of the Chief Justices of England " 1849 ; became chief justice of England 1850, and chancellor of England 1859 ; lost his wife 1860 ; resided in London at Strathedan-house, Knightsbridge ; died there 1861 ; was buried in Scotland in Jedburgh Abbey ; left issue including his successor in the peerage. [Dict. Nat. Biog. ; Foss's Judges.]

1841 Edward Pennefather ;

was second son of William Pennefather of Darling-hill in co. Tipperary, and Ellen, eldest daughter of the Venerable Edward Moore, archdeacon of Emly, and was brother of Baron Pennefather ; was born 1775 ; appears at school in

Portarlington and in Clonmel; matriculated in Dublin University 1789; entered the Middle Temple 1792; graduated as bachelor of arts 1794; was called to the Irish bar 1795; married Susan, eldest daughter of John Darby of Leah-castle in King's co. 1806; practised in equity; appears as a king's counsel 1816; was a conservative in politics; was offered and declined office of chairman of sessions under the Insurrection Act 1823; became third serjeant 1830, second serjeant 1831, and first serjeant 1832; proceeded master of arts in last year; became solicitor-general in 1835 and in 1841; was appointed chief justice of the Queen's Bench a few weeks later in last year; presided at the State Trials 1844; resigned 1846; resided in Dublin successively in Merrion-square and in Fitzwilliam-square and in co. Wicklow at Delgany; died in Fitzwilliam-square 1847; was buried in the churchyard of Delgany church; left issue. [Dict. Nat. Biog.; Wills's Irish Nation; Whiteside (Dublin Literary Gazette 1830).]

1841 Thomas Langlois Lefroy;

was eldest son of Anthony Lefroy of Newton Perry in co. Limerick, colonel of dragoons, and Anne, daughter of Thomas George Gardener of Doonass in co. Clare; was born 1776; matriculated in Dublin University 1790; entered Lincoln's Inn 1793; graduated as bachelor of arts with a gold medal 1795; was called to the Irish bar 1797; married Mary, only daughter and heiress of Jeffrey Paul of Silver Spring, co. Wexford 1799; published "Observations on the Proceedings by Elegit" 1802, and was joint editor of "Reports in the Irish Court of Chancery under Lord Redesdale" 1806; went the Munster circuit for some years; confined himself afterwards to equity practice; was in politics a conservative; became a king's counsel 1816, and third serjeant 1818; was offered and declined puisne justiceship of the King's Bench 1820; became second serjeant same year; was offered and declined office of baron of the Exchequer 1821; became first serjeant 1822; was offered and declined office of justice of the Common Pleas 1823; acted frequently as justice of assize; was presented with the freedom of Cork in a silver box at the close of the summer assizes 1825; proceeded doctor of laws 1827; contested the representation of Dublin University

unsuccessfully same year ; resigned office of first serjeant owing to his being passed over in appointment of justices of assize 1830 ; was elected member for the University of Dublin same year, and was re-elected 1831, 1832, 1835 ; became a member of the Irish privy council in last year ; began the erection of a country seat at Curryglass in co. Longford 1837 ; was re-elected member for Dublin University in that year and in 1841 ; became a baron of the Exchequer later in the latter year ; was promoted at the age of seventy-six to the chief justiceship of the Queen's Bench 1852 ; lost his wife 1858 ; resigned, being then ninety years of age, his seat on the bench 1866 ; resided in Dublin in Leeson-street, in co. Longford at Curryglass, and in co. Wicklow at Newcourt near Bray ; died at Newcourt 1869 ; was buried at Dublin in Mount Jerome Cemetery ; left issue ; was remarkable for the strength of his religious convictions. [Memoir by one of his sons ; Dict. Nat. Biog. ; Wills's Irish Nations ; Sheil (New Monthly Mag. 1823) ; Irish Barrister (Metropolitan Mag. 1837).]

1842 Joseph Devonsher Jackson ;

was eldest son of Strettel Jackson of Cork and Mary Cossens ; was born 1783 ; matriculated in Dublin University 1800 ; entered the Middle Temple 1804 ; graduated as bachelor of arts 1806 ; was called to the Irish bar same year ; went Munster circuit ; married Sarah Lucinda, daughter of Benjamin Clarke of Cullenswood near Dublin, 1811 ; became a king's counsel 1827 ; proceeded master of arts 1832 ; appears as assistant-barrister for Londonderry ; was in politics a conservative ; became member for Bandon 1835 ; was appointed second serjeant same year ; was re-elected for Bandon 1837, 1841 ; became solicitor-general in latter year ; was elected member for Dublin University 1842 ; became a justice of the Common Pleas later in that year ; resided in Dublin in Leeson-street, and near Dublin at Sutton-house, Howth ; died at Sutton-house 1857 ; was buried in the adjacent graveyard of St. Finton's. [Metropolitan Mag., Parliamentary Portraits, 1837 ; Maddyn (Ireland and its Rulers).]

1842 Francis Blackburne ;

was only surviving son of Richard Blackburne of Footstown in co. Meath, and Elizabeth, daughter of Francis Hopkins

of Darvistown in that co.; was born 1782; appears at school in Dunshaughlin and in Dublin; matriculated in Dublin University 1798; became a scholar 1801; graduated as bachelor of arts with a gold medal 1803; entered Lincoln's Inn same year; was called to the Irish bar 1805; married Jane, only daughter of William Martley of Ballyfallon in co. Meath, 1809; went the home circuit; practised principally in equity; was in politics a conservative; became a king's counsel 1822; was appointed chairman of sessions in cos. Limerick and Clare under the Insurrection Act 1823; became third serjeant 1826 and second serjeant 1830; was appointed in the reform ministry led by Lord Grey attorney-general 1831; prosecuted O'Connell same year; continued to hold office under the conservative ministry led by Sir Robert Peel 1834; retired on the fall of the ministry 1835; was re-appointed attorney-general 1841; became master of the rolls 1842; was promoted to the chief justiceship of the Queen's Bench 1846; presided at the state trials at Clonmel later in that year; became vice-chancellor of Dublin University 1851; was appointed chancellor of Ireland in the spring of 1852; retired on fall of the ministry in the autumn; received from Dublin University degree of doctor of laws *honoris causa* same year; was appointed lord justice of appeal 1856; was offered and declined the chancellorship 1858; became chancellor again 1866; retired 1867; was offered and declined a baronetcy; died same year; was buried at Mount Jerome Cemetery; resided in Dublin successively in Leinster-street and Merrion-square, and near Dublin successively at Roebuck-hall and at Rathfarnham-castle; left issue. [Life by his son; Dict. Nat. Biog.; Wills's Irish Nation; Sheil (New Monthly Mag. 1827); Irish Barrister (Metropolitan Mag. 1842); *Dubl. Univ. Mag.* 1864.]

1846 Thomas Berry Cusack Smith;

was second son of Sir William Cusac Smith and Hester Berry; was born 1795; matriculated in Dublin University as a fellow-commoner 1809; graduated as bachelor of arts 1813; entered Lincoln's Inn 1817; was called to the Irish bar 1819; edited law reports; married Louisa, daughter of Thomas Smith Barry of Fota in co. Cork, 1827; was in politics a conservative; became a king's counsel 1830;

proceeded master of arts 1837 ; contested representation of Youghal unsuccessfully 1842 ; was appointed solicitor-general and subsequently attorney-general same year ; became member for Ripon 1843 ; appeared for the crown in the state trials of 1844 ; challenged one of the defendant's counsel to fight a duel ; was appointed master of the rolls 1846 ; resided in Dublin successively in Merrion-street and Merrion-square ; died in Blairgowrie in Scotland 1866 ; left issue. [Dict. Nat. Biog. ; Irish Barrister (Metropolitan Mag. 1843).]

1846 David Richard Pigot ;

was only son of John Pigot, a physician of Kilrush in co. Cork ; was born 1796 ; appears at school in Fermoy ; matriculated in Dublin University 1814 ; studied medicine in Edinburgh ; entered the Middle Temple 1818 ; graduated as bachelor of arts 1819 ; married Catherine, eldest daughter of Walter Page of Araglin-mills in co. Cork, 1821 ; studied law in London ; was called to the Irish bar 1826 ; went the Munster circuit ; proceeded master of arts 1832 ; was in religion a Roman Catholic and in politics a liberal ; became a king's counsel 1835 ; was appointed solicitor-general 1839 ; became member for Clonmel same year ; was promoted to office of attorney-general 1840 ; retired on the fall of the ministry 1841 ; was re-elected member for Clonmel same year ; became M.R.I.A. 1845 ; was appointed chief baron of the Exchequer 1846 ; received from Dublin University degree of doctor of laws *honoris causa* 1870 ; resided in Dublin successively in Talbot-street, in St. Stephen's-green, and in Merrion-square ; died 1873 ; was buried at Kilworth ; left issue. [Dict. Nat. Biog. ; Wills's Irish Nation ; Irish Barrister (Metropolitan Mag. 1842) ; Dubl. Univ. Mag. 1874.]

1847 Richard Moore ;

was second son of Stephen Moore of Salisbury in co. Tipperary ; was born 1783 ; matriculated in Dublin University 1799 ; became a scholar 1801 ; graduated as bachelor of arts 1803 ; entered the Middle Temple 1804 ; married Frances, daughter of the Rev. Thomas Bligh ; was called to the Irish bar 1807 ; appears in politics a liberal ; became a king's counsel 1827 ; was sometime assistant barrister

for co. Tipperary and for co. Louth ; was appointed third serjeant and solicitor-general a few months later 1840 ; retired on the fall of the ministry 1841 ; became attorney-general 1846 ; was appointed a justice of the Queen's Bench 1847 ; married secondly Wilhelmina, youngest daughter of William Westby of Thornhill in co. Dublin ; resided in Dublin in Fitzwilliam-street and near Dublin at Hermitage, Rathfarnham ; died at Hermitage in the last night of 1857 ; was buried in Mount Jerome Cemetery ; left issue.

1850 James Henry Monahan ;

was eldest son of Michael Monahan of Heathlawn in co. Galway, and Mary, daughter of Stephen Bloomfield of Eyrecourt in that co. ; was born 1803 ; appears at school in Banagher ; matriculated in Dublin University as a fellow-commoner 1819 ; graduated as bachelor of arts with a gold medal 1823 ; entered Gray's Inn 1826 ; was called to the Irish bar 1828 ; went the Connaught circuit ; married Fanny, daughter of Nicholas Harrington of Dublin, 1833 ; was in religion a Roman Catholic and in politics a liberal ; became a queen's counsel 1840 ; was appointed solicitor-general 1846 ; was elected member for Galway, but lost his seat in six months 1847 ; became attorney-general in the winter ; appeared for the crown in the state trials of 1848 ; was appointed chief justice of the Common Pleas 1850 ; received from Dublin University degree of doctor of laws *honoris causa* 1870 ; resigned his seat on the bench 1876 ; resided in Dublin successively in Gardiner's-street and in Fitzwilliam-square ; died in Fitzwilliam-square 1878 ; was buried in Glasnevin Cemetery ; left issue. [Dict. Nat. Biog. ; Wills's Irish Nation.]

1852 Richard Wilson Greene ;

was eldest son of Sir Jonas Greene, recorder of Dublin ; was born 1791 ; matriculated in Dublin University 1806 ; became a scholar 1809 ; graduated as bachelor of arts with the first gold medal 1811 ; became auditor of the Historical Society same year ; entered Gray's Inn same year ; was called to the Irish bar 1814 ; went the Munster circuit ; married Elizabeth, daughter of Thomas Wilson of Fulford in Yorkshire ; was in politics a conservative ; became a

king's counsel 1830 ; appears as law adviser in Dublin castle 1831 ; was appointed first serjeant 1835 ; became solicitor-general 1842 ; appeared for the crown in the state trials of 1844 ; became attorney-general 1846 ; retired on fall of the ministry same year ; was appointed a baron of the Exchequer 1852 ; resided in Dublin successively in York-street and in St. Stephen's-green ; retired from the bench 1861 ; died in St. Stephen's-green same year ; was buried in Dublin in St. Peter's churchyard ; left issue. [Wills's Irish Nation.]

1856 **William Nicholas Keogh ;**

was second son of William M. Keogh, clerk of the crown for co. Kilkenny, and Mary, daughter of Austin French of Ragoon in co. Galway ; was born at Galway 1817 ; appears at school in Dublin ; matriculated in Dublin University 1832 ; entered Lincoln's Inn 1835 ; was called to the Irish bar 1840 ; published as co-author "A Treatise on the Practice of the Court of Chancery in Ireland" same year ; married Kate, daughter of Thomas Rooney, a surgeon, 1841 ; was in religion a Roman Catholic and in politics a liberal ; published "Ireland under Lord de Grey" and "Ireland Imperialised" ; was elected member for Athlone 1847 ; became a queen's counsel 1849 ; was re-elected for Athlone 1852 ; became solicitor-general same year ; became attorney-general 1855 ; was subsequently re-elected for Athlone ; became a justice of the Common Pleas 1856 ; published an "Essay on Milton's Prose Writings" 1863 ; presided at the trial of the Fenian conspirators 1865 ; received from Dublin University degree of doctor of laws *honoris causa* 1867 ; incurred the displeasure of the popular party by his decision in an election petition in co. Galway 1872 ; resided in Dublin successively in Talbot-street, in Mountjoy-square, in Rutland-square, in Fitzwilliam-square, and in Elgin-road, and in co. Wicklow at Bushypark, near Enniskery ; died at Bingen on the Rhine 1878 ; was buried at Bonn ; left issue including a daughter who married Mr. Justice Murphy. [Dict. Nat. Biog. ; Wills's Irish Nation.]

1858 **Jonathan Christian ;**

was third son of George Christian, a solicitor of Carrick-on-Suir in co. Waterford ; was born 1808 ; matriculated

in Dublin University 1824 ; entered Gray's Inn 1831 ; was called to the Irish bar 1834 ; became a queen's counsel 1841 ; was appointed third serjeant 1851 ; became solicitor-general 1856 ; was appointed a justice of the Common Pleas 1858 ; married Mary, eldest daughter of Francis Edward Thomas of Newtown-park near Dublin, 1859 ; was appointed lord justice of appeal 1867 ; was made then a privy councillor ; was voted by Dublin University degree of doctor of laws *honoris causa* 1870 ; retired from the bench 1878 ; resided in Dublin successively in Pembroke-street, in Leeson-street, and in Merrion-square, and near Dublin at Ravenswell, Bray ; died in Merrion-square 1887 ; was buried near Dublin in Dean's-grange Cemetery ; left issue. [Dubl. Univ. Mag. 1874.]

1858 James O'Brien ;

was second son of Daniel O'Brien of Granard in co. Longford ; was born 1806 ; appears at school in Dublin ; matriculated in Dublin University 1822 ; graduated bachelor of arts with first gold medal in science 1829 ; entered Gray's Inn same year ; was called to the Irish bar 1831 ; married Margaret, daughter of Thomas Segrave 1836 ; was in religion a Roman Catholic and in politics a liberal ; became a queen's counsel 1841 ; was appointed third serjeant 1848 ; was appointed second serjeant 1851 ; became member for Limerick 1854 ; was re-elected 1857 ; became a justice of the Queen's Bench 1858 ; resided in Dublin successively in Lesson-street and in St. Stephen's-green, and near Dublin at Castle-park, Dalkey ; died in St. Stephen's-green 1882 ; was buried in Francis-street Church ; left issue.

1858 Joseph Napier ;

was fourth son of William Napier of Belfast, and Rosetta Macnaghten of Ballyreagh ; was born 1804 ; appears at the Belfast Academical Institute ; matriculated in Dublin University 1820 ; graduated as bachelor of arts 1825 ; proceeded master of arts 1828 ; entered Gray's Inn same year ; married Charity, second daughter of John Grace of Dublin also same year ; attended law lectures in London University ; practised in London as a pleader ; was called to the Irish bar 1831 ; went the north-east circuit ; pub-

lished "Manual on Bills of Exchange and Promissory Notes" and "Treatise on the Practice of the Civil Bill Courts and Courts of Appeal" same year; acted as co-editor of "Reports in the King's Bench" 1832-4; was elected M.R.I.A. 1840; became a queen's counsel 1844; was in politics a conservative; contested the representation of Dublin University unsuccessfully 1847; was returned unopposed 1848; proceeded doctor of laws 1851; became attorney-general 1852; was re-elected member for Dublin University; retired on the fall of the ministry from office of attorney-general same year; received from Oxford University degree of doctor of civil law *honoris causa* 1853; was re-elected member for Dublin University 1857; became chancellor 1858; retired on the fall of the ministry 1859; travelled abroad 1860; was created a baronet 1867; became vice-chancellor of Dublin University same year; was appointed member of the judicial committee of the privy council of England 1868; acted as chief commissioner of the great seal in Ireland 1874; resided in Dublin successively in Rutland-street, in Mountjoy-square, and in Merrion-square, and in his later years in London and at St. Leonards-on-Sea; died at St. Leonards-on-Sea 1882; was buried at Dublin in Mount Jerome Cemetery; left issue including his successor in the baronetage. [Life by Alexander Charles Ewald; Dict. Nat. Biog.; Wills's Irish Nation; Dubl. Univ. Mag. 1853.]

1859 **Edmund Hayes** ;

was fourth son of William Hayes of Millmount near Banbridge in co. Down; was born 1804; appears at the Belfast Academical Institute; matriculated in Dublin University 1820; graduated as bachelor of arts, and entered Gray's Inn 1825; was called to the Irish bar, and proceeded doctor of laws 1832; went for a time the north-east circuit and afterwards the home circuit; was joint author of "Reports of Cases in the Court of Exchequer in Ireland" 1830-4; married Grace Maryanne, daughter of John Shaw of St. Doulagh's in co. Dublin, 1835; lectured on constitutional and criminal law; published "Crimes and Punishments, or a Digest of the Criminal Statute Law of Ireland" 1843; was in politics a conservative; became a queen's counsel 1852; acted as law-adviser in Dublin

Castle same year ; married as his second wife, Harriett Trenchall, widow of James Shaw ; became solicitor-general 1858 ; was appointed a justice of the Queen's Bench 1859 ; resigned 1866 ; resided in Dublin successively in Gardiner's-place and in Mountjoy-square, and in co. Dublin at Crinkenhous, near Bray ; died at Crinkenhous 1867 ; was buried in Mount Jerome Cemetery ; left issue. [Dict. Nat. Biog.]

1859 Francis Alexander Fitzgerald ;

was second son of Maurice Fitzgerald, sometime a physician to the British Government in Madras, and was elder brother of William Fitzgerald, bishop of Killaloe ; was born in Middlesex 1806 ; matriculated in Dublin University 1822 ; graduated as bachelor of arts with a gold medal 1827 ; proceeded master of arts 1832 ; entered the Middle Temple same year ; was called to the Irish bar 1834 ; married Janet Leckir, eldest daughter of Major Charles Frederick Burton of Williamstown in co. Dublin ; practised in equity ; was selected by Smith O'Brien as one of his counsel 1848 ; became a queen's counsel 1849 ; appears as a bencher 1857 ; was appointed a baron of the Exchequer 1859 ; received from Dublin University degree of doctor of laws *honoris causa* 1870 ; retired from the bench 1882 ; resided in Dublin successively in Kildare-street, in Pembroke-street, and in St. Stephen's-green ; died 1897 ; was buried in St. George's burial-ground ; left issue including Margaret Anne who married Lord Justice Fitzgibbon ; was owner of a library of classical, theological, and general literature. [Wills's Irish Nation.]

1859 Henry George Hughes ;

was eldest son of James Hughes, solicitor, and Margaret, daughter of Trevor Stannus Morton of Dublin ; was born 1810 ; appears at school in Dublin ; matriculated in Dublin University 1825 ; entered Gray's Inn 1832 ; was called to the Irish bar 1834 ; practised in equity ; married Sarah Isabella, daughter of Major Francis L'Estrange 1836 ; published "Chancery Practice" 1837 ; became a queen's counsel 1844 ; was in religion a Roman Catholic and in politics a liberal ; became solicitor-general 1850 ; retired on the fall of the ministry 1852 ; contested the representation

of co. Cavan 1855 ; was returned as member for co. Longford 1856 ; failed to obtain a seat in parliament 1857 ; became again solicitor-general 1858 ; retired on the fall of the ministry same year ; was appointed a baron of the Exchequer 1859 ; resided in Dublin in Fitzwilliam-street, near Dublin at Longford-terrace, Monkstown, and in co. Longford at Aughtnaclyffe ; died at Bray 1872 ; was buried near Dublin in Dean's-grange Cemetery ; left issue including Anna, who married Chief Justice Morris.

1860 John David Fitzgerald ;

was second son of David Fitzgerald of Dublin, and Catherine, daughter of David Leahy of Dublin ; was born 1816 ; appears at school near Dublin ; entered Gray's Inn 1834 ; was called to the Irish bar 1838 ; went the Munster circuit ; married Rose, youngest daughter of John Donohoe of Dublin, 1846 ; was a Roman Catholic and in politics a liberal ; became a king's counsel 1847 ; lost his wife 1850 ; was elected member for Ennis 1852 ; became solicitor-general 1855 and attorney-general 1856 ; retired on fall of ministry 1858 ; became again attorney-general 1859 ; was appointed a justice of the Queen's Bench 1860 ; married as his second wife Jane, second daughter of the Hon. Arthur Southwell and sister of the fourth Viscount Southwell, same year ; presided at the trials of the Fenian conspirators 1865, 1866 ; received from Dublin University degree of doctor of laws *honoris causa* 1870 ; was appointed a lord of appeal 1882 ; became then a bencher of Gray's Inn ; was offered and declined the chancellorship of Ireland 1885 ; resided in Dublin in Merrion-square and near Dublin at Kilmarnock ; died in Dublin 1889 ; was buried there in Glasnevin Cemetery ; left issue. [Dict. Nat. Biog. ; Wills's Irish Nation.]

1861 Rickard Deasy ;

was second son of Rickard Deasy of Clonakilty in co. Cork, and Maryanne Caller ; was born 1812 ; matriculated in Dublin University 1828 ; entered Gray's Inn 1832 ; graduated as bachelor of arts 1833 ; was called to the Irish bar 1835 ; went the Munster circuit ; became M.R.I.A. 1846 ; proceeded master of arts 1847 ; was in religion a Roman Catholic and in politics a liberal ; became a queen's counsel 1849 ; was elected member for co. Cork 1855 ;

became third serjeant 1858, solicitor-general 1859, and attorney-general 1860; proceeded doctor of laws in last year; was appointed a baron of the Exchequer 1861; married Monica, daughter of Hugh O'Connor of Dublin, same year; was appointed a lord justice of appeal 1878; resided near Dublin at Carysfort-house; died 1883; was buried in Dean's-grange Cemetery; left issue. [Wills's Irish Nation.]

1865 Thomas O'Hagan, Lord O'Hagan;

was only son of Edward O'Hagan of Belfast, and Mary, daughter of Captain Thomas Bell; was born 1812; entered Gray's Inn 1834; was called to the Irish bar 1836; married Mary, daughter of Charles Hamilton Teeling, same year; went the north-east circuit; was in religion a Roman Catholic and in politics a liberal; was appointed assistant-barrister for co. Longford 1847; became a queen's counsel 1849; was appointed assistant-barrister for co. Dublin 1857; became M.R.I.A. same year; was appointed third serjeant 1859, solicitor-general 1861, and attorney-general 1862; became member for Tralee 1863; was appointed justice of the Common Pleas 1865; became chancellor 1868; was created a peer as Baron O'Hagan of Tullahogue in co. Tyrone 1870; married as his second wife Alice Mary, daughter and co-heiress of Colonel Towneley of Towneley in Lancashire, 1871; retired on fall of ministry 1874; was re-appointed chancellor 1880; resigned 1881; was made a knight of the order of St. Patrick same year; was elected a bencher of Gray's Inn 1883; resided in Dublin in Rutland-square; died in London 1885; was buried in Dublin in Glasnevin Cemetery; left issue including his successor in the peerage. [Dict. Nat. Biog.; Wills's Irish Nation.]

1866 James Whiteside;

was second son of Rev. William Whiteside, curate of Delgany in co. Wicklow; was born 1806; matriculated in Dublin University 1824; entered Gray's Inn 1828 and Inner Temple 1829; was called to the Irish bar 1830; wrote sketches of contemporaries; graduated as bachelor of arts and proceeded master of arts 1832; married Rosetta, daughter of William Napier of Belfast and sister

of Sir Joseph Napier, 1833 ; went north-east circuit ; was in politics a conservative ; became a queen's counsel 1841 ; was one of the counsel for the traversers in the State Trials 1844 ; visited Italy subsequently for his health ; published " Italy in the Nineteenth Century " 1848 ; acted as leading counsel for William Smith O'Brien same year ; published " The Vicissitudes of the Eternal City " 1849 ; was elected member for Enniskillen 1851 ; became solicitor-general 1852 ; was re-elected for Enniskillen ; retired on fall of ministry same year ; moved motion condemning Palmerston's government for lack of foresight and energy before the capitulation of Kars in a speech that took five hours in delivery 1856 ; was re-elected for Enniskillen 1857 ; became attorney-general 1858 ; retired on fall of ministry 1859 ; was elected for Dublin University same year ; proceeded also doctor of laws ; appeared as counsel for Mrs. Yelverton 1861 ; received from Oxford University degree of doctor of civil law *honoris causa* 1863 ; was re-elected for Dublin University 1865 ; became again attorney-general 1866 ; was appointed chief justice of the Queen's Bench same year ; resided in Dublin in Mountjoy-square ; died at Brighton 1876 ; was buried in Dublin in Mount Jerome Cemetery. [Dict. Nat. Biog. ; Wills's Irish Nation ; *Dubl. Univ. Mag.* 1849.]

1866 Abraham Brewster ;

was eldest son of William Bagenal Brewster of Ballinulta in co. Wicklow, and Mary, daughter of Thomas Bates ; was born 1796 ; appears at Kilkenny School ; matriculated in Dublin University 1812 ; graduated as bachelor of arts 1817 ; entered Gray's Inn same year ; was called to the Irish bar 1819 ; married Maryanne, daughter of Robert Gray of Upton House in co. Carlow, same year ; went the Leinster circuit ; became a queen's counsel 1835 ; was in politics a conservative ; became law adviser 1841 and solicitor-general 1846 ; retired on fall of ministry in same year ; proceeded master of arts 1847 ; became attorney-general in Lord Aberdeen's ministry 1853 ; retired on fall of that ministry 1855 ; lost his wife 1862 ; was appointed lord justice of appeal 1866 ; became chancellor 1867 ; retired on fall of ministry 1868 ; resided in Dublin in Merrion-square and near Dublin at Roebuck-house ; died

1874; was buried at Tullow in co. Carlow; left issue. [Dict. Nat. Biog.; Wills's Irish Nation; *Dubl. Univ. Mag.* 1874.]

1866 John George;

was eldest son of John George of Dublin, and Emily Jane, daughter of Richard Fox; was born 1804; matriculated in Dublin University 1818; entered Gray's Inn 1822; graduated as bachelor of arts 1823; proceeded master of arts 1826; was called to the Irish bar same year and to the English bar 1827; married Susan Rosanna, daughter of Isaac Matthew D'Olier of Collegnes in co. Dublin, 1832; became queen's counsel 1844; lost his wife 1847; married as his second wife Mary, daughter of Christopher L'Estrange Carleton, 1848; was elected in the conservative interest as member for co. Wexford 1852; became M.R.I.A. 1855; failed to obtain a seat in parliament 1857; was appointed solicitor-general 1859; retired on fall of ministry a few months later; was re-elected member for co. Wexford same year and in 1865; became a privy councillor 1866; was appointed a justice of the Queen's Bench same year; resided in Dublin in Fitzwilliam-square and in co. Wexford at Cahore; died 1871. [Dict. Nat. Biog.]

1866 John Edward Walsh;

was only son of the Rev. Robert Walsh, and Anne, daughter of John Bayly; was born 1816; appears at school in Dublin, matriculated in Dublin University 1832; became a scholar 1835; graduated as bachelor of arts, being a senior moderator in ethics and logics, 1837; entered the Middle Temple 1838; was called to the Irish bar 1839; went the Leinster circuit; married Belinda, daughter of Captain Gordon MacNeill, 1841; proceeded doctor of laws 1845; published "Ireland Sixty Years Ago" 1847; was elected M.R.I.A. 1855; became a queen's counsel 1857; was in politics a conservative; became attorney-general 1866; was elected then member for Dublin University; became master of the rolls a few months later; resided in Dublin in Merrion-square; died in Paris 1869; left issue. [Dict. Nat. Biog.; Wills's Irish Nation.]

1867 Michael Morris, baronet;

was elder son of Martin Morris of Leneboy in co. Galway, and Julia, daughter of Charles Blake of Galway; was born

1826; appears a pupil at Galway School; matriculated in Dublin University 1842; graduated as a bachelor of arts, being a senior moderator in ethics and logics, 1847; entered Lincoln's Inn same year; was called to the Irish bar 1849; went the Connaught circuit; became high sheriff of Galway 1857; married Anna, daughter of Baron Hughes, 1860; was in religion a Roman Catholic and in politics a conservative; became a queen's counsel 1863; was elected member for Galway same year; became solicitor-general and attorney-general 1866; was appointed a justice of the Common Pleas 1867; became chief justice of the Common Pleas 1876; was created a baronet 1885; became chief justice of Ireland 1887; received from Dublin University degree of doctor of laws *honoris causa* same year; was appointed a lord of appeal and raised to the peerage as Lord Morris and Killanin 1889; became a bencher of Lincoln's Inn 1893; retired 1900; resided in Dublin in Fitzwilliam-street and in co. Galway at Spiddal; died at Spiddal 1901; left issue including his successor in the peerage. [Dict. Nat. Biog.; Vanity Fair, 1893.]

1867 Hedges Eyre Chatterton;

was eldest son of Abraham Chatterton of Cork, solicitor, and Jane, daughter of the Rev. Fitzgerald Tisdall, rector of Kenmare; was born 1820; matriculated in Dublin University 1836; became a scholar 1839; graduated as bachelor of arts and entered Lincoln's Inn 1841; was called to the Irish bar 1843; married Mary, daughter of the Rev. William Hallaran, prebendary of Cloyne, 1845; proceeded doctor of laws 1849; became a queen's counsel 1858; was in politics a conservative; became solicitor-general 1866 and attorney-general 1867; was elected then member for Dublin University; became vice-chancellor at the close of the year; lost his wife 1901; retired from the bench 1904; married as his second wife Florence Henrietta, second daughter of Major Charles William Gore and widow of Captain Edward Croker, same year; resided in Dublin in Fitzwilliam-place and near Dublin at Newpark; died 1910; was buried near Dublin in Dean's-grange Cemetery.

1868 James Anthony Lawson;

was eldest son of James Lawson of Waterford and Mary;

daughter of Joseph Anthony ; was born 1817 ; appears at school in Waterford ; matriculated in Dublin University 1833 ; became a scholar 1836 ; graduated bachelor of arts, being a senior moderator in ethics and logics, 1838 ; entered Gray's Inn same year ; was called to the Irish bar 1840 ; became professor of political economy in Dublin University 1841 ; graduated as bachelor of laws same year ; married Jane, eldest daughter of Samuel Merrick of Cork, 1842 ; published *Lectures in Political Economy* 1844 ; proceeded doctor of laws 1850 ; was in politics a liberal ; became queen's counsel 1857 ; was elected M.R.I.A. same year ; contested the representation of Dublin University unsuccessfully same year ; was appointed solicitor-general 1861 and attorney-general 1865 ; became member for Portarlington in latter years ; contested that borough unsuccessfully 1868 ; became a justice of the Common Pleas later in that year ; was appointed one of the Irish Church Commissioners 1869 ; became an English privy councillor 1870 ; acted as a commissioner of the great seal 1874 ; was transferred from the Common Pleas to the Queen's Bench Division 1882 ; published "*Hymni Usitati Latine Redditi*" 1883 ; received from University of Oxford degree of doctor of civil law *honoris causa* 1885 ; resided in Dublin in Fitzwilliamstreet, near Dublin at Clontra ; died 1887 ; was buried near Dublin in Dean's-grange Cemetery ; left issue. [Dict. Nat. Biog. ; Wills's Irish Nation.]

1870 Edward Sullivan, baronet ;

was eldest son of Edward Sullivan of Mallow in co. Cork, and Anne Lynch ; was born at Cork 1822 ; appears at school there and at Midleton ; matriculated in Dublin University 1839 ; became a scholar 1843 ; graduated bachelor of arts 1845 ; became auditor of College Historical Society same year ; entered Lincoln's Inn 1846 ; was called to the Irish bar 1848 ; married Bessie Josephine, daughter of Robert Bailey of Cork, 1850 ; was in politics a liberal ; became queen's counsel 1858 and third serjeant 1860 ; acted as law adviser 1861 ; became solicitor-general 1865 ; was elected member for Mallow ; retired on fall of the ministry at close of that year ; became attorney-general 1868 ; was re-elected member for Mallow same year ; became master of the rolls 1870 ; was created a baronet

1881 ; received from Dublin University degree of doctor of laws *honoris causa* same year ; became chancellor 1883 ; resided in Dublin in Fitzwilliam-place ; died 1885 ; was buried near Dublin in Dean's-grange Cemetery ; left issue including his successor in the baronetage ; was remarkable as a book collector. [Dict. Nat. Biog. ; Wills's Irish Nation.]

1872 Charles Robert Barry ;

was eldest son of James Barry of Limerick, solicitor ; was born 1823 ; matriculated in Dublin University 1840 ; entered Lincoln's Inn 1843 ; graduated as bachelor of arts 1845 ; was called to the Irish bar 1848 ; married Kate, daughter of David Fitzgerald of Dublin and sister of Lord Fitzgerald, 1855 ; was in religion a Roman Catholic and in politics a liberal ; became a queen's counsel 1859 ; proceeded master of arts 1862 ; acted as law adviser 1865 ; became member for Dungarvan same year ; became third serjeant 1866, solicitor-general 1868, and attorney-general 1870 ; was appointed a justice of the Queen's Bench 1872 ; became a lord justice of appeal 1883 ; resided in Dublin in Fitzwilliam-square ; died 1897 ; was buried at Limerick ; left issue. [Vanity Fair 1889.]

1872 Richard Dowse ;

was eldest son of William Henry Dowse of Dungannon in co. Tyrone, and Maria, daughter of Hugh Donaldston also of Dungannon ; was born 1824 ; appears at Dungannon School ; matriculated in Dublin University 1845 ; became a scholar 1848 ; entered Lincoln's Inn 1849 ; graduated as bachelor of arts 1850 ; was called to the Irish bar 1852 ; married Catherine, daughter of George Moore of Clones, same year ; went north-west circuit ; was in politics a liberal ; became a queen's counsel 1863 ; was elected member for Londonderry 1868 ; became third serjeant 1869, solicitor-general 1870, and attorney-general 1872 ; was appointed a baron of the Exchequer at close of the latter year ; resided in Dublin in Mountjoy-square ; died suddenly while holding spring assizes at Tralee 1890 ; left issue. [Dict. Nat. Biog. ; Wills's Irish Nation.]

1874 Christopher Palles ;

was second son of Andrew Christopher Palles of Dublin

and Little Mount Palles, co. Cavan, and Eleanor, daughter of Matthew Thomas Plunkett of Rathmore ; was born in 1831 ; appears at Clongowes Wood College ; matriculated in Dublin University ; entered Gray's Inn 1851 ; graduated as bachelor of arts, being a senior moderator in mathematics, 1852 ; was called to the Irish bar 1853 ; went the home circuit ; proceeded doctor of laws 1860 ; married Ellen, only daughter of Denis Doyle, 1862 ; was in religion a Roman Catholic and in politics a liberal ; became a queen's counsel 1865 ; was appointed successively solicitor-general and attorney-general 1872 ; became chief baron of the Exchequer 1874 ; lost his wife 1885 ; became an English privy councillor 1892 ; allowed his court to be merged in the Queen's Bench Division 1898 ; received degree of doctor of laws *honoris causa* from Royal University of Ireland 1909, Cambridge University 1910, Queen's University Belfast 1913, and Dublin University 1914 ; resided in Dublin successively in Mountjoy-square and Fitzwilliam-place, and near Dublin at Mount Anville ; retired 1916 ; died 1920 ; was buried in Dublin in Glasnevin Cemetery ; left issue.

1875 John Thomas Ball ;

was eldest son of Major Benjamin Marcus Ball of Dundrum in co. Dublin, and Elizabeth, daughter of Cuthbert Feltus of Hollybrook in co. Carlow ; was born in 1815 ; appears at school in Dublin ; matriculated in Dublin University 1830 ; became a scholar 1833 ; graduated bachelor of arts, being a senior moderator in ethics and logics, 1836 ; entered Gray's Inn 1839 ; was called to the Irish bar 1840 ; went the home circuit ; graduated as bachelor of laws 1841 ; proceeded doctor of laws 1844 ; married Catherine, third daughter of the Rev. Charles Richard Elrington, regius professor of divinity in Dublin University, 1852 ; became a queen's counsel 1853 ; was appointed vicar-general of Armagh 1862 ; contested representation of Dublin University as a liberal unsuccessfully 1865 ; became in Disraeli's first administration successively solicitor-general and attorney-general and retired on fall of the ministry 1868 ; was elected member for Dublin University as a conservative same year ; received from Oxford University degree of doctor of civil law *honoris causa* 1870 ; became again attorney-general 1874 ; was appointed chancellor on the first day of

1875 ; became vice-chancellor of Dublin University 1879 ; retired from the bench on the fall of the ministry 1880 ; published "The Reformed Church of Ireland" 1886 ; lost his wife 1887 ; published "The Legislative Systems operative in Ireland" 1888 ; resided in Dublin in Merrion-square, and near Dublin successively at Ardmore and Taney-house ; died 1898 ; was buried in Mount Jerome Cemetery ; left issue. [Dict. Nat. Biog. ; Wills's Irish Nation ; *Dubl. Univ. Mag.* 1875.]

1877 George Augustus Chichester May ;

was son of the Rev. Edward May, rector of Belfast, and Elizabeth, daughter of William Sinclair of Fortwilliam in co. Antrim ; was born at Belfast 1815 ; appears at Shrewsbury School ; matriculated in Cambridge University from Magdalen College ; graduated as bachelor of arts with honours 1838 ; entered the Inner Temple 1839 ; proceeded master of arts 1841 ; was elected a fellow of Magdalen College ; was called to the Irish bar 1844 ; married Olivia, fourth daughter of Sir Matthew Barrington, bart., 1853 ; became a queen's counsel 1865 ; edited Irish law reports 1866 ; became law adviser 1874 and attorney-general 1875 ; lost his wife 1876 ; was appointed chief justice of the Queen's Bench 1877 ; became chief justice of the Queen's Bench Division 1878 ; resigned 1887 ; died 1892 ; left issue. [Dict. Nat. Biog.]

1878 Robert Richard Warren ;

was only son of Captain Henry Warren and Catherine Stewart and grandson of Sir Robert Warren, bart. ; was born 1817 ; matriculated in Dublin University 1833 ; entered the Middle Temple 1837 ; graduated as bachelor of arts, being a senior moderator in ethics and logics, 1838 ; was called to the Irish bar 1839 ; married Mary, daughter of Charles Perry, 1846 ; became a queen's counsel 1858 ; was in politics a conservative ; proceeded master of arts 1864 ; was appointed solicitor-general and attorney-general 1867 ; became member for Dublin University same year ; proceeded doctor of laws 1868 ; was appointed judge of the court of probate same year ; became judge of the Probate Division 1878 ; resided in Dublin in Fitzwilliam-square ; died 1897 ; left issue.

1878 Stephen Woulfe Flanagan ;

was second son of Terence Flanagan of Knockhall in co. Roscommon, and Mary Johanna, daughter of Stephen Woulfe of Tiermaclane and sister of Chief Baron Woulfe ; was born in co. Kildare 1817 ; matriculated in Dublin University 1833 ; entered the Middle Temple 1837 ; graduated bachelor of arts and was called to the Irish bar 1838 ; married Mary Deborah, daughter of John R. Corballis, queen's counsel, 1851 ; became a queen's counsel 1859 ; was in religion a Roman Catholic and in politics a liberal ; became judge of the Landed Estates Court 1869 ; was made an Irish privy councillor 1876 ; became a justice of the Chancery Division 1878 ; resigned 1885 ; was made then an English privy councillor ; resided in Dublin in Fitzwilliam-place and in co. Roscommon at Rathtarmon ; died 1891 ; left issue.

1878 Henry Ormsby ;

was fourth son of the Rev. Henry Ormsby of Powerscourt in co. Wicklow, and Margaret, daughter of Rev. Michael Sandys, rector of Powerscourt ; was born at Wicklow 1812 ; matriculated in Dublin University 1828 ; entered the Inner Temple 1832 ; graduated as bachelor of arts 1834 ; was called to the Irish bar 1835 ; married Julia, daughter of Henry Hamilton of Tullyish, co. Down, 1840 ; was in politics a conservative ; became a queen's counsel 1858 ; was appointed solicitor-general and retired on fall of ministry 1868 ; became again solicitor-general 1874 and attorney-general 1875 ; was appointed a judge of the Landed Estates Court in the latter year ; became a justice of the Chancery Division 1878 ; retired 1885 ; resided in Dublin in Fitzwilliam-square ; died 1887 ; left issue.

1878 Gerald Fitzgibbon ;

was eldest son of Gerald Fitzgibbon, master in chancery, and Ellen, daughter of John Patterson of Belfast ; was born 1837 ; matriculated in Dublin University ; entered Lincoln's Inn 1857 ; became a scholar 1858 ; graduated as bachelor of arts, being a senior moderator in classics 1859 ; was called to the Irish bar 1860, to the English bar 1861 ; practised in Ireland ; went the Munster circuit ; married Margaret Anne, daughter of Baron Fitzgerald, 1864 ; was in

politics a conservative; became a king's counsel 1872; was appointed law adviser 1876; became solicitor-general 1877; was appointed a lord justice of appeal 1878; was made an Irish privy councillor; received from Dublin University degree of doctor of laws *honoris causa* 1895; was made an English privy councillor 1900; became a bencher of Lincoln's Inn 1901; resided in Dublin in Merrion-square and near Dublin at Killock; died 1909; left issue; was remarkable for his services to the Church of Ireland, educational institutions and the Masonic Order. [Dict. Nat. Biog.]

1878 Michael Harrison;

was second son of Robert Harrison of Ballymena in co. Antrim; was born 1823; matriculated in Dublin University 1841; became a scholar 1844; graduated as bachelor of arts, being a senior moderator in ethics and logics, 1846; entered Lincoln's Inn 1847; was called to the Irish bar 1849; married Frances Letitia Bolden, only daughter of David Davison, 1854; lost her 1859; was in politics a conservative; became a queen's counsel 1863; proceeded master of arts 1864; was appointed solicitor-general 1867; became a judge of the Bankruptcy Court 1868; married as his second wife Sophie Mary, eldest daughter of James Whitelaw Stronge, doctor of medicine, 1868; became a justice of the Common Pleas Division 1878; was transferred to the Queen's Bench Division 1888; resided in Dublin in Mountjoy-square; died 1895; was buried at Ballymena; left issue.

1881 Hugh Law;

was only son of John Law of Woodlawn in co. Down, and Margaret, daughter of Christopher Crawley of Cullaville in co. Armagh; was born 1818; appears at Dungannon School; matriculated in Dublin University 1834; became a scholar 1837; entered Lincoln's Inn 1838; graduated as bachelor of arts, being a senior moderator in classics, 1839; was called to the Irish bar 1840; went the north-east circuit; became a queen's counsel 1860; married Ellen Maria, youngest daughter of William White of Shrubs in co. Dublin, 1863; was in politics a liberal; became law-adviser 1868, solicitor-general 1872, and attorney-general

1873 ; retired on fall of the ministry 1874 ; was returned as member for Londonderry same year ; lost his wife 1875 ; became again attorney-general 1880 ; was re-elected member for Londonderry same year ; became chancellor 1881 ; resided in Dublin in Fitzwilliam-square ; died 1883 ; left issue. [Dict. Nat. Biog.]

1882 William O'Brien ;

was son of John O'Brien of Bloomfield in co. Cork, and Mary, daughter of Thomas Bunbury of Kilfeade ; was born 1832 ; appears at Middleton school ; entered Gray's Inn 1852 ; was called to the Irish bar 1855 ; went the Munster circuit ; was in religion a Roman Catholic and in politics a liberal ; became a queen's counsel 1872 ; was appointed a justice of the Common Pleas Division 1882 ; was transferred to the Queen's Bench Division 1883 ; became a privy councillor 1890 ; resided in Dublin in Merrion-square ; died 1899.

1882 William Drennan Andrews ;

was second son of John Andrews of Comber in co. Down ; was born 1832 ; matriculated in Dublin University ; entered the Middle Temple 1852 ; graduated as bachelor of arts, being a senior moderator in ethics and logics, 1853 ; was called to the Irish bar 1855 ; went the north-east circuit ; married Eliza, daughter of John Galloway of Monkstown in co. Dublin, 1857 ; proceeded doctor of laws 1860 ; was in politics a liberal ; became a queen's counsel 1872 ; was appointed a justice of the Exchequer Division 1882 ; was transferred to the Queen's Bench Division 1897 ; became a privy councillor same year ; lost his wife 1901 ; retired 1909 ; resided in Leeson-street ; died 1924.

1883 William Moore Johnson ;

was eldest son of the Rev. William Johnson, chancellor of diocese of Cloyne, and Elizabeth Anne, daughter of the Rev. William Hamilton, fellow of Trinity College and rector of Clondevaddock in co. Donegal ; was born 1825 ; matriculated in Dublin University 1842 ; graduated as bachelor of arts 1846 ; entered Lincoln's Inn 1849 ; was called to the Irish bar 1853 ; proceeded master of arts 1856 ; was in politics a liberal ; became a queen's counsel

1872 ; was elected member for Mallow 1880 ; became solicitor-general same year and attorney-general 1881 ; was appointed a justice of the Queen's Bench Division 1883 ; married Susan, daughter of Richard Bayley of Greenpark, Kilmallock, 1884 ; was created a baronet and retired 1909 ; resided in Dublin in Leeson-street ; died 1918.

1883 James Murphy ;

was fifth son of Jeremiah Murphy of Kilfinane in co. Limerick ; was born 1823 ; matriculated in Dublin University 1842 ; became a scholar 1845 ; entered Lincoln's Inn 1847 ; graduated as bachelor of arts, being a senior moderator in ethics and logics, 1849 ; was called to the Irish bar same year ; married Mary, daughter of Mr. Justice Keogh, 1864 ; was a liberal in politics ; became a queen's counsel 1866 ; was appointed a justice of the Common Pleas Division 1883 ; was transferred to the Queen's Bench Division 1888 ; became a privy councillor 1890 ; was transferred to the Exchequer Division 1892 and back to the Queen's Bench Division 1897 ; received from Dublin University degree of doctor of laws *honoris causa* 1898 ; resided near Dublin at Glencairn ; died 1901 ; left issue.

1883 Andrew Marshall Porter, baronet ;

was son of the Rev. John Scott Porter, an eminent Unitarian divine, and Margaret, daughter of Andrew Marshall, a surgeon in the Royal Navy ; was born 1837 ; matriculated in the Queen's University from Belfast College 1853 ; graduated bachelor of arts 1856 ; entered the Middle Temple 1857 ; was called to the Irish bar 1860 ; married Agnes Adinston, daughter of Lieutenant-Colonel Alexander Horsburgh of Horsburgh in Peebleshire, 1869 ; was in politics a liberal ; became a queen's counsel 1878 ; was elected member for Londonderry and became solicitor-general 1881 ; received from the Queen's University degree of doctor of laws *honoris causa* 1882 ; became attorney-general 1883 ; was appointed master of the rolls same year ; received from Dublin University degree of doctor of laws *honoris causa* 1889 ; was created a baronet 1902 ; retired 1906 ; resided in Dublin in Merrion-square and near Dublin at Donnycarney-house ; died 1919 ; left issue including his successor in the baronetage.

1885 John Naish ;

was son of Carrol Naish of Ballycullen in co. Limerick, and Anna Margaret, daughter of John O'Carroll of Turlogh in co. Galway ; was born 1841 ; appears at Clongowes Wood College ; matriculated in Dublin University ; became a non-foundation scholar in science 1861 ; graduated as bachelor of arts, being a senior moderator in mathematics and science, 1863 ; entered Lincoln's Inn 1864 ; was called to the Irish bar 1865 ; went the Munster circuit ; became a queen's counsel 1880 ; was in religion a Roman Catholic and in politics a liberal ; became solicitor-general 1883 and attorney-general 1884 ; married Maud, daughter of James Arthur Dease of Turbotstown in co. Westmeath, in the latter year ; was appointed chancellor and retired on fall of ministry 1885 ; became again chancellor and retired on fall of ministry 1886 ; acted as a lord justice of appeal afterwards ; resided in Dublin in Mountjoy-square ; died at Ems 1890 ; left issue. [Dict. Nat. Biog.]

1885 Edward Gibson, Lord Ashbourne ;

was second son of William Gibson, a taxing master of Merrion-square, Dublin, and Gaulstown, co. Meath, and Louisa, daughter of Joseph Grant, a barrister ; was born 1837 ; matriculated in Dublin University ; graduated as bachelor of arts, being a senior moderator in history and literature, 1858 ; became auditor of the Historical Society ; entered Lincoln's Inn same year ; was called to the Irish bar 1860 ; proceeded master of arts 1861 ; married Frances Maria Adelaide, second daughter of Henry Jonathan Cope Colles, a barrister, 1869 ; was in politics a conservative ; became a queen's counsel 1872 ; was elected member for Dublin University 1875 ; became attorney-general 1877 ; retired on fall of ministry 1880 ; was re-elected for Dublin University same year ; received from Dublin University degree of doctor of laws *honoris causa* 1881 ; was appointed chancellor with a seat in the cabinet 1885 ; was created then a peer as Baron Ashbourne of Ashbourne in co. Meath ; retired from the chancellorship on the fall of the ministry 1886 ; was re-appointed with a seat in the cabinet same year ; retired on the fall of the ministry 1892 ; was re-appointed with a seat in the cabinet 1895 ; retired on the fall of the ministry 1905 ; resided in Dublin successively in Fitz-

william-square and Merrion-square and in London in Grosvenor-gardens ; died 1913 ; left issue including his successor in the peerage. [Vanity Fair, 1885.]

1885 John Monroe ;

was son of John Monroe of Moira in co. Down ; was born 1839 ; matriculated in the Queen's University from Galway College ; entered the Inner Temple 1860 ; was called to the Irish bar 1863 ; married Lizzy, daughter of John Watkins Moule of Elmley-Lovett in Worcestershire, 1867 ; was in politics a conservative ; became a queen's counsel 1877 ; was appointed solicitor-general 1885 ; became a justice of the Chancery Division for the Landed Estates Court same year ; was made a privy councillor 1886 ; retired 1896 ; resided in Dublin in Fitzwilliam-place and near Dublin at Bartra ; died 1899 ; left issue.

1887 Hugh Holmes ;

was eldest son of William Holmes of Dungannon, and Anne, daughter of William Maxwell ; was born 1840 ; matriculated in Dublin University ; graduated as a bachelor of arts, being a senior moderator in history and literature, 1861 ; entered the Middle Temple 1864 ; was called to the Irish bar 1865 ; went north-west circuit ; married Olivia, daughter of John Watkins Moule of Elmley-Lovett in Worcestershire, 1869 ; was in politics a conservative ; became a queen's counsel 1877 ; was appointed solicitor-general 1878 ; retired on the fall of the ministry 1880 ; became attorney-general 1885 ; was elected member for Dublin University same year ; retired on the fall of the ministry 1886 ; was re-elected for Dublin University ; became again attorney-general same year ; was appointed a justice of the Common Pleas 1887, and the Queen's Bench Division 1888 ; became a lord justice of appeal 1897 ; lost his wife 1901 ; resided in Dublin in Fitzwilliam-place ; died 1919 ; left issue.

1888 John George Gibson ;

was youngest son of William Gibson and Louisa Grant, and brother of Lord Ashbourne ; was born 1846 ; matriculated in Dublin University ; became a scholar 1865 ; graduated bachelor of arts, being first senior moderator in both classics and history and literature, 1867 ; received

degree of master of arts *honoris causa* 1868; entered Lincoln's Inn 1869; was called to the Irish bar 1870; became auditor of the Historical Society same year; married Anna, only daughter of the Rev. John Hare, 1871; was in politics a conservative; became a queen's counsel 1880; was appointed successively third serjeant and solicitor-general 1885; became member for Walton division of Liverpool same year; retired from solicitor-generalship on the fall of the ministry 1886; was re-elected for Walton in the summer; became again solicitor-general same year and attorney-general 1887; was appointed a justice of the Queen's Bench Division 1888; became M.R.I.A. 1908; retired 1921; resided in Dublin in Fitzwilliam-place; died at Colwyn Bay 1923; left issue.

1889 Peter O'Brien, Lord O'Brien;

was fifth son of John O'Brien of Elmvale in co. Clare, member for Limerick, and was a nephew of Mr. Justice James O'Brien; was born 1842; matriculated in Dublin University; entered Middle Temple 1862; graduated as bachelor of arts 1865; was called to the Irish bar same year; married Annie, daughter of Robert Hare Clarke of Bansha in co. Tipperary, 1867; was in religion a Roman Catholic and in politics a conservative; became a queen's counsel 1880; was made third serjeant 1884; became solicitor-general 1887 and attorney-general 1888; was appointed chief justice of Ireland 1889; was created a baronet 1891; received from Dublin University degree of doctor of law *honoris causa* 1893; was created a peer as Baron O'Brien of Kilfenora in co. Clare 1900; retired from the bench 1913; resided in Dublin in Merrion-square and near Dublin successively at Newlands and Airfield; died 1914; left issue.

1892 Dodgson Hamilton Madden;

was only son of the Rev. Hugh Hamilton Madden, chancellor of the diocese of Cashel, and Isabella, daughter of Henry Joseph Monck Mason, doctor of laws; was born 1840; matriculated in Dublin University; became a scholar 1860; graduated as bachelor of arts, being a senior moderator in ethics and logics, 1862; entered the Middle Temple same year; was called to the Irish bar 1864; married Minnie, eldest daughter of Lewis Moore of Cremorgan in

Queen's co., deputy lieutenant, 1866; published a *Treatise on the Registration of Deeds* 1868, and on the Landed Estates Court Act 1870; became a queen's counsel 1880; was in politics a conservative; became third serjeant 1887; was elected member for Dublin University same year; became solicitor-general 1888, and attorney-general 1889; received from Dublin University degree of doctor of laws *honoris causa* 1891; was appointed a justice of the Queen's Bench Division 1892; lost his wife 1895; became vice-chancellor of Dublin University same year; married as his second wife Jessie Isabelle, third daughter of Richard Warburton of Garryhinch in Queen's co., deputy lieutenant, 1896; published "The Diary of Master William Silence" 1897; became M.R.I.A. 1901; received from Dublin University degree of doctor of letters *honoris causa* 1908; published "Shakespeare and his Fellows" 1916; retired from the bench and resigned the vice-chancellorship of Dublin University 1919; resided in Dublin in Fitzwilliam-square and near Dublin at Nutley.

1892 **Samuel Walker, baronet;**

was second son of Captain Alexander Walker of Goreport in co. Westmeath, and Elizabeth, daughter of William Elliott of Rathrogue in co. Carlow; was born 1832; appears at school in Portarlington; matriculated in Dublin University 1849; became a scholar 1851; entered Gray's Inn 1852; graduated as bachelor of arts, being senior moderator in classics, 1855; was called to the Irish bar; married Cecilia Charlotte, daughter of Arthur Greene and niece of Baron Greene, same year; went the home circuit; was in politics a liberal; became a queen's counsel 1872; married as his second wife Eleanor, daughter of the Rev. Alexander McLaughlin, 1881; became solicitor-general 1883; was elected member for co. Londonderry 1884; became attorney-general 1885; retired on the fall of the ministry same year; became again attorney-general 1886; retired on the fall of the ministry same year; was appointed chancellor 1892; retired on the fall of the ministry 1895; acted afterwards as a lord justice of appeal; was re-appointed chancellor 1905; became a baronet 1906; resided in Dublin in Upper Mount-street; died 1911; left issue including his successor in the baronetage. [Dict. Nat. Biog.]

1896 John Ross, baronet ;

was the eldest son of the Rev. Robert Ross, sometime moderator of the General Assembly of the Presbyterian Church in Ireland, and Margaret, daughter of Stuart Christie of Londonderry ; was born 1853 ; appears at Foyle College, Londonderry ; matriculated in Dublin University ; won first classical scholarship 1876 ; became president of the University Philosophical Society 1877 and auditor of the College Historical Society 1878 ; entered Gray's Inn in the latter year ; graduated as bachelor of laws 1879 ; was called to the Irish bar 1880 ; married Katherine Mary Jeffcott, only daughter and heiress of Lieutenant-Colonel Deane Mann of Dunmoyle in co. Tyrone, deputy lieutenant, 1882 ; was in politics a conservative ; became a queen's counsel 1891 ; was elected member for Londonderry 1892 ; became a justice of the Chancery Division for the Landed Estates Court 1896 ; was made a privy councillor 1902 ; received from Dublin University degree of doctor of laws *honoris causa* 1914 ; was created a baronet 1919 ; became chancellor 1921 ; resided in Dublin in Fitzwilliam-square, near Dublin at Oatlands, and in co. Tyrone at Dunmoyle.

1897 Walter Boyd ;

was fourth son of Walter Boyd of Walworth near Dublin, and Jane, daughter of Robert Macrory of Castledawson in co. Londonderry ; was born 1833 ; matriculated in Dublin University ; entered Lincoln's Inn 1854 ; graduated as bachelor of arts 1855 ; was called to the Irish bar 1856 ; married Annie Catherine, daughter of Matthew Anderson, crown solicitor, 1862 ; proceeded doctor of laws 1864 ; became queen's counsel 1877 ; was in politics a conservative ; became queen's advocate 1878 ; was appointed a judge of the court of Bankruptcy 1885 ; became a justice of the Queen's Bench Division 1897 ; retired 1916 ; was created a baronet and a privy councillor ; resided in Dublin in Merrion-square and near Dublin at Howth ; died 1918 ; left issue including his successor in the baronetage.

1897 William Kenny ;

was only son of Edward Kenny of Ennis in co. Clare, solicitor ; was born 1846 ; matriculated in Dublin University ; entered the Middle Temple 1866 ; graduated as

bachelor of arts 1867 ; was called to the Irish bar 1868 ; married Mary, eldest daughter of David Coffey, taxing master, 1873 ; proceeded master of arts 1879 ; became a queen's counsel 1885 ; was in religion a Roman Catholic and in politics a liberal unionist ; became member for St. Stephen's-green Division of Dublin 1892 ; was re-elected 1895 ; became solicitor-general same year ; was appointed a justice of the Queen's Bench Division 1897 ; was made privy councillor 1902 ; resided in Dublin in Fitzwilliam-place and near Dublin at Marlfield ; died 1921 ; left issue.

1900 Dunbar Plunket Barton ;

was eldest son of Thomas Henry Barton, doctor of laws, and the Hon. Charlotte Plunket, third daughter of John, third Lord Plunket ; was born 1853 ; appears at Harrow School ; matriculated in Oxford University from Corpus Christi College ; graduated bachelor of arts and proceeded master of arts ; was president of the Union 1877 ; was called to the Irish bar 1880 ; became a queen's counsel 1889 ; was in politics a conservative ; became member for Mid-Armagh 1891 ; was re-elected 1892 ; was called to the English bar 1893 ; was re-elected for Mid-Armagh 1895 ; became solicitor-general 1898 ; was made a bencher of Gray's Inn same year ; became a justice of the Queen's Bench Division 1900 ; married Mary, daughter of Joseph Manly of Dublin same year ; was transferred to the Chancery Division 1904 ; published "Bernadotte" 1914 ; became M.R.I.A. 1917 ; retired 1918 ; was created a baronet and privy councillor same year ; resided in Dublin in Clyde-road. [Vanity Fair 1898.]

1901 George Wright

was second son of Thomas Richard Wright of Fern-hill, Clonakilty in co. Cork, solicitor ; matriculated in Dublin University ; became a scholar 1866 ; graduated as bachelor of arts 1868 ; entered the Middle Temple 1869 ; was called to the Irish bar ; married Mary, third daughter of Sir Croker Barrington, baronet, 1881 ; was in politics a conservative ; became a queen's counsel ; was appointed solicitor-general 1900 ; became a justice of the King's Bench Division 1901 ; resided in Dublin in Fitzwilliam-square and in co. Wicklow at Ryecroft ; died 1913 ; left issue.

1906 Richard Edmund Meredith ;

was fourth son of William Rice Meredith of Dublin, solicitor ; was born 1856 ; matriculated in the Queen's University from Galway College ; entered the Middle Temple 1876 ; was called to the Irish bar 1879 ; became a queen's counsel 1892 ; married Annie, daughter of John Pollock of Dublin, 1880 ; became judge of the Land Commission 1898 ; was appointed master of the rolls 1906 ; retired 1912 ; resided in Dublin in Fitzwilliam-square ; died 1916 ; left issue.

1907 William Huston Dodd ;

was only son of Robert Dodd of Rathfriland, co. Down ; was born 1844 ; graduated and proceeded master of arts with honours in the Queen's University ; entered the Middle Temple 1871 ; was called to the Irish bar 1873 ; married Ellen, eldest daughter of Stewart Hunter of Coleraine, same year ; was in politics a liberal ; became a queen's counsel 1884 ; was appointed a serjeant 1892 ; became member for North Tyrone 1906 ; was appointed a justice of the King's Bench Division 1907 ; became a privy councillor 1913 ; lost his wife 1916 ; resided in Dublin in Fitzwilliam-square.

1909 Richard Robert Cherry ;

was second son of Robert William Cherry of Waterford, solicitor ; was born 1859 ; matriculated in Dublin University ; graduated as bachelor of arts, being a senior moderator in ethics and logics and history and political science, 1879 ; entered the Middle Temple 1880 ; was called to the Irish bar 1881 ; became auditor of the College Historical Society 1882 ; married Mary Wilhelmina, daughter of Robert Cooper of Collinstown in co. Kildare 1886 ; became professor of constitutional and criminal law in the University of Dublin 1888 ; proceeded doctor of laws ; published a Treatise on the Land Laws same year and on Criminal Law in ancient communities 1890 ; became a queen's counsel 1896 ; was in politics a liberal ; became attorney-general 1905 ; was elected member for the Exchange Division of Liverpool 1906 ; became a lord justice of appeal 1909 ; received the freedom of Waterford ; was appointed chief justice of Ireland 1913 ; retired 1916 ; resided in Dublin in St. Stephen's-green and in co. Wicklow at Killencarrick-house ; died 1923 ; left issue.

1911 Redmond John Barry ;

was third son of Patrick Barry of Hill View, Cork ; was born 1866 ; graduated as bachelor of arts in the Royal University ; was called to the Irish bar 1888 ; married Ethel, third daughter of Edward Pyke of Southport 1895 ; was in religion a Roman Catholic and in politics a liberal ; became a queen's counsel 1899 ; was appointed solicitor-general 1905 ; became member for North Tyrone 1907 ; was appointed attorney-general 1909 ; became chancellor 1911 ; resided in Dublin in Fitzwilliam-square ; retired 1913 ; died same year.

1912 Charles Andrew O'Connor ;

was third son of Charles Andrew O'Connor of Roscommon, solicitor ; was born 1855 ; matriculated in Dublin University ; graduated as bachelor of arts, being a senior moderator in ethics and logics, 1876 ; entered the Middle Temple same year ; became auditor of the College Historical Society 1877 ; was called to the Irish bar 1878 ; married Blanche, daughter of James Scully of Shanballymore in co. Tipperary ; became a queen's counsel 1894 ; was in religion a Roman Catholic and in politics a liberal ; became a serjeant 1907, solicitor-general 1909, and attorney-general 1911 ; was appointed master of the rolls 1912 ; resided in Fitzwilliam-square.

1913 Ignatius John O'Brien, baronet ;

was the youngest son of Mark Joseph O'Brien of Cork, and Jane, daughter of William Dunn, also of Cork ; was born 1857 ; entered the Middle Temple 1879 ; was called to the Irish bar 1881 ; married Annie, daughter of John Talbot Scallan of Dublin 1886 ; was in religion a Roman Catholic and in politics a liberal ; became a queen's counsel 1899 ; was appointed a serjeant 1910, solicitor-general 1911, and attorney-general 1912 ; became chancellor 1913 ; was created a baronet 1916 ; retired 1918 ; was created then a peer as Baron Shandon ; resided near Dublin at Ardtona.

1918 Thomas Francis Molony ;

was youngest son of James Molony of Dublin, and Jane, youngest daughter of Nicholas Sweetman of New Bawn in co. Wexford ; was born 1865 ; matriculated in Dublin

University ; graduated as bachelor of arts, being a senior moderator in history and political science, 1886 ; was called to the Irish bar 1887 ; married Pauline, only child of Bernard Rispin of Dublin 1899 ; became a queen's counsel same year ; was called to the English bar 1900 ; was in religion a Roman Catholic and in politics a liberal ; became a serjeant 1911, solicitor-general 1912, and attorney-general 1913 ; was appointed a justice of the King's Bench Division in last year ; became a lord justice of appeal 1915 ; was appointed chief justice of Ireland 1918 ; received from Dublin University degree of doctor of laws *honoris causa* 1922 ; was created a baronet same year ; resided in Dublin in Fitzwilliam-place.

1914 John Francis Moriarty ;

was second son of John Moriarty of Mallow, solicitor ; appears at Stonyhurst ; matriculated in Dublin University ; entered the Middle Temple 1875 ; was called to the Irish bar 1877 ; became a queen's counsel 1900 ; was in religion a Roman Catholic and in politics a liberal ; became a serjeant 1908, and solicitor-general and attorney-general 1913 ; was appointed a lord justice of appeal in latter year ; resided in Dublin in St. Stephen's-green ; died 1915 ; was married and left issue.

1915 Stephen Ronan ;

was eldest son of Walter Ronan of Cork, solicitor ; was born 1848 ; graduated in the Queen's University and proceeded master of arts ; entered the Inner Temple 1868 ; was called to the Irish bar 1870, and to the English bar 1888 ; became a queen's counsel in Ireland 1889 ; was in religion a Roman Catholic and in politics a liberal unionist ; became queen's advocate 1892 ; was appointed lord justice of appeal 1915 ; became then a privy councillor ; resided in Dublin in Fitzwilliam-square ; died 1925.

1915 Jonathan Ernest Pim ;

was eldest son of Thomas Pim of Greenbank, co. Dublin ; was born 1859 ; matriculated in Dublin University ; graduated as a bachelor of arts, being a senior moderator in modern literature 1881 ; entered Gray's Inn 1882 ; became president of the University Philosophical Society 1883 ;

was called to the Irish bar 1886 ; became a king's counsel 1909 ; was in politics a liberal ; became solicitor-general 1913 and attorney-general 1914 ; was appointed a justice of the King's Bench Division 1915 ; became M.R.I.A. 1918 ; resided in Dublin in Herbert-street.

1916 **James Henry Mussen Campbell, baronet ;**

was third son of William Mussen Campbell of Dublin ; was born 1852 ; matriculated in Dublin University ; became a scholar 1872 ; graduated as bachelor of arts, being a senior moderator in classics, 1874 ; became auditor of the College Historical Society 1876 ; entered Gray's Inn 1877 ; was called to the Irish bar 1878 ; married Emily, daughter of John MacCullagh of Newry, 1884 ; became a queen's counsel 1892 ; was in politics a conservative ; became member for St. Stephen's-green Division of Dublin 1898 ; was called to the English bar same year ; became solicitor-general for Ireland 1901 ; was elected member for Dublin University 1903 ; received from Dublin University degree of doctor of laws *honoris causa* 1904 ; became attorney-general 1905 ; retired on the fall of the ministry ; was re-elected for Dublin University 1906 ; became an English king's counsel same year ; was re-elected for Dublin University 1910 ; became again attorney-general 1916 ; was appointed chief justice of Ireland same year ; became a baronet 1917 ; was appointed chancellor 1918 ; became vice-chancellor of Dublin University 1919 ; retired from the chancellorship 1921 ; was created a peer as Baron Glenavy ; resided in Dublin in Pembroke-street and near Dublin at Glenavy.

1916 **John Gordon ;**

was eldest son of Samuel Gordon of Shankill-house in co. Down ; was born 1849 ; graduated in the Queen's University and proceeded doctor of laws ; entered Gray's Inn 1875 ; was called to the Irish bar 1877 ; married Dorothy May, daughter of Robert Keating Clay, of Dublin, 1887 ; was in politics a liberal unionist ; became a queen's counsel 1892 ; was elected member for South Londonderry 1900, 1905, 1910 ; became attorney-general 1915 ; was appointed a justice of the King's Bench Division 1916 ; resided in Dublin in Fitzwilliam-place and near Dublin at Llanmaur, Shankill ; died 1922.

1917 William Moore ;

was eldest son of William Moore of Moore-lodge in co. Antrim, physician to the queen in Ireland, and Sidney Blanche, daughter of Captain Abraham Fuller ; was born 1864 ; appears at Marlborough school ; matriculated in Dublin University ; graduated as bachelor of arts 1886 ; entered Lincoln's Inn ; became president of the University Philosophical Society same year ; was called to the Irish bar 1887 ; married Mary Helen Gertrude, daughter of Joseph Wilson of Westbury in co. Dublin, 1888 ; was in politics a conservative ; was elected member for North Antrim 1899, 1900 ; was made a queen's counsel in Ireland and called to the English bar same years ; was elected member for North Armagh 1906, 1910 ; became a justice of the King's Bench Division 1917 ; was appointed a privy councillor 1921 ; resided in Dublin in Leeson-street, near Dublin at Kingstown, and in co. Antrim at Kilrea-lodge.

1918 James O'Connor ;

was third son of Michael J. O'Connor of Wexford ; was born 1872 ; appears at Blackrock College ; married Mary Josephine, daughter of Laurence Keogh, 1897 ; was called to the Irish Bar 1900 ; became a king's counsel 1908 ; was in religion a Roman Catholic and in politics a liberal ; became solicitor-general 1914 and attorney-general 1917 ; was appointed a justice of the Chancery Division and a few months later a lord justice of appeal 1918 ; was knighted 1925 ; resided near Dublin at St. Aidan's.

1918 John Blake Powell ;

was eldest son of John Powell of Ballytivan House, Sligo ; was admitted a solicitor 1884 ; married Catherine O'Sullivan, daughter of Patrick Morris of Sligo, 1889 ; was called to the Irish bar 1894 ; became a king's counsel 1906 ; was in religion a Roman Catholic and in politics a liberal unionist ; became solicitor-general 1918 ; was appointed a justice of the Chancery Division same year ; became a privy councillor 1920 ; resided in Dublin in Fitzwilliam-place ; died 1923.

1919 Arthur Warren Samuels ;

was second son of Arthur Samuels of Kingstown in co. Dublin, solicitor ; was born 1852 ; matriculated in Dublin

University ; won first classical scholarship 1874 ; graduated as bachelor of arts 1875 ; entered Gray's Inn 1876 ; was called to the Irish bar 1877 ; married Emma Margaret, daughter of the Rev. James William Irwin, rector of Sharon in co. Donegal, 1881 ; proceeded doctor of laws 1888 ; became a queen's counsel 1894 ; was called to the English bar 1896 ; lost his wife 1904 ; was in politics a conservative ; became member for Dublin University 1916 ; was appointed solicitor-general 1917 and attorney-general 1918 ; became a bencher of Gray's Inn 1919 ; was appointed a justice of the King's Bench Division same year ; became M.R.I.A. 1922 ; resided in Dublin in Merrion-square and near Dublin at Cloghereen ; died in France 1925 ; had issue.

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